



**OLSEN THIELEN**  
Certified Public Accountants & Consultants

Depend on our people. Count on our advice.<sup>SM</sup>

**REDACTED - FOR PUBLIC INSPECTION**

DOCKET FILE COPY ORIGINAL

Received & Inspected

OCT 22 2013

FCC Mail Room

October 22, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

ATTENTION: WIRELINE COMPETITION BUREAU

RE: Form 481 ETC filing pursuant to Sections 54.313 and 54.422  
SAC 361505, MN, Wikstrom Telephone Company, Inc.  
Connect America Fund WC DocketS 10-90 and 11-42

Dear Ms. Dortch:

Pursuant to Sections 54.313 and 54.422 of Commission's Rules, Wikstrom Telephone Company, Inc., MN, SAC 361505 is filing its Form 481 High Cost and Low-Income Annual Report.

Wikstrom Telephone Company, Inc. seeks confidential treatment under the Protective Order in this proceeding.<sup>1</sup> Pursuant to the Order, one copy of the confidential document and two copies of the redacted version are provided. The Redacted version is also being filed on the Electronic Comment Filing System.

Please address any correspondence regarding this transmittal to the attention of Tom Campbell at the following address, e-mail or telephone number.

Sincerely,

Tom Campbell  
Telecommunications Consultant  
[tcampbell@otcpas.com](mailto:tcampbell@otcpas.com)  
651-621-8511 (v)  
651-483-2467 (f)

Enclosures

CC: Mr. Charles Tyler, FCC Telecommunications Access Policy Division (two copies confidential)

<sup>1</sup> See Protective Order 27, WC Docket Nos. 10-90 et al, Rec 14231 rel. November 16 ("Order")

No. of Copies rec'd 0+1  
IN ADCDE

FCC Form 481 - Carrier A  
Data Collection Form**REDACTED-FOR PUBLIC INSPECTION**FCC Form 481  
Revision 1  
July 2013OCT 22 2013  
FCC/OMB Control No. 3000-0013

FCC Mail Room

<010> Study Area Code	361505
<015> Study Area Name	WIKSTROM TEL CO, INC
<020> Program Year	2014
<030> Contact Name: Person USAC should contact with questions about this data	Tom Campbell
<035> Contact Telephone Number: Number of the person identified in data line <030>	651-621-8511
<039> Contact Email Address: Email of the person identified in data line <030>	tcampbell@otcpas.com

ANNUAL REPORTING FOR ALL CARRIERS		54.313 Completion Required	54.422 Completion Required
<100> Service Quality Improvement Reporting	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>
<200> Outage Reporting (voice)	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<210> <input checked="" type="checkbox"/> <-- check box if no outages to report			
<300> Unfulfilled Service Requests (voice)		<input type="checkbox"/>	<input type="checkbox"/>
<310> Detail on Attempts (voice)		<input type="checkbox"/>	<input type="checkbox"/>
<320> Unfulfilled Service Requests (broadband)		<input type="checkbox"/>	<input type="checkbox"/>
<330> Detail on Attempts (broadband)		<input type="checkbox"/>	<input type="checkbox"/>
<400> Number of Complaints per 1,000 customers (voice)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<410> Fixed	0.0		
<420> Mobile	0.0		
<430> Number of Complaints per 1,000 customers (broadband)		<input type="checkbox"/>	<input type="checkbox"/>
<440> Fixed			
<450> Mobile			
<500> Service Quality Standards & Consumer Protection Rules Compliance	(check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<510> 361505mn510	(attach descriptive document)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<600> Functionality in Emergency Situations	(check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<610> 361505mn610	(attach descriptive document)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<700> Company Price Offerings (voice)	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>
<710> Company Price Offerings (broadband)	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>
<800> Operating Companies and Affiliates	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>
<900> Tribal Land Offerings (Y/N)? <input checked="" type="radio"/> <input type="radio"/>	(if yes, complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1000> Voice Services Rate Comparability	(check to indicate certification)	<input type="checkbox"/>	<input type="checkbox"/>
<1010> <input type="checkbox"/>	(attach descriptive document)	<input type="checkbox"/>	<input type="checkbox"/>
<1100> Terrestrial Backhaul (Y/N)? <input checked="" type="radio"/> <input type="radio"/>	(if not, check to indicate certification)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<1110> <input type="checkbox"/>	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>
<1200> Terms and Condition for Lifeline Customers	(complete attached worksheet)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Price Cap Carriers, Proceed to Price Cap Additional Documentation Worksheet**

Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

<2000>	(check to indicate certification)	<input type="checkbox"/>	<input type="checkbox"/>
<2005>	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>

**Rate of Return Carriers, Proceed to ROR Additional Documentation Worksheet**

<3000>	(check to indicate certification)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<3005>	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# REDACTED-FOR PUBLIC INSPECTION

(100) Service Quality Improvement Report  
Data Collection Form

OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013

<b>&lt;010&gt;</b>	Study Area Code	361505	
<b>&lt;015&gt;</b>	Study Area Name	WIKSTROM TEL CO, INC	
<b>&lt;020&gt;</b>	Program Year	2014	
<b>&lt;030&gt;</b>	Contact Name - Person USAC should contact regarding this data	Tom Campbell	
<b>&lt;035&gt;</b>	Contact Telephone Number - Number of person identified in data line <030>	651-621-8511	
<b>&lt;039&gt;</b>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpaa.com	
<b>&lt;110&gt;</b>	Has your company received its ETC certification from the FCC?		(yes / no) <input type="radio"/> <input checked="" type="radio"/>
<b>&lt;111&gt;</b>	If your answer to Line <110> is yes, do you have an existing "5 year plan" filed with the FCC?		(yes / no) <input type="radio"/> <input type="radio"/>

If your answer to Line <111> is yes, then you are required to file a progress report, on line <112> delineating the status of your company's existing § 54.202(a) "5 year plan" on file with the FCC, as it relates to your provision of voice telephony service.

**<112>** Attach Five-Year Service Quality Improvement Plan or, in subsequent years, your annual progress report filed pursuant to 47 C.F.R. § 54.313(a)(1). If your company is a CETC which only receives frozen support, your progress report is only required to address voice telephony service.

Name of Attached Document (.pdf)

Please check these boxes below to confirm that the attached PDF, on line 112, contains a progress report on its five-year service quality improvement plan pursuant to § 54.202(a). The information shall be submitted at the wire center level or census block as appropriate.


**<113>** Maps detailing progress towards meeting plan targets  
**<114>** Report how much universal service (USF) support was received  
**<115>** How (USF) was used to improve service quality  
**<116>** How (USF) was used to improve service coverage  
**<117>** How (USF) was used to improve service capacity  
**<118>** Provide an explanation of network improvement targets not met in the prior calendar year.

**REDACTED-FOR PUBLIC INSPECTION**

OMB Control No. 3060-0986/OMB Control No. 3050-0819  
July 2013

<010>	Study Area Code
<015>	Study Area Name
<020>	Program Year
<030>	Contact Name - P
<035>	Contact Telephone
<039>	Contact Email Address

[illegible]

(700) Price Offerings Including Voice Rate Data  
Data Collection Form

OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013

<010>	Study Area Code	361505
<015>	Study Area Name	WIKSTROM TEL CO, INC
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035>	Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpas.com

1/1/2013	
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<701>	Residential Local Service Charge Effective Date
<702>	Single State-wide Residential Local Service Charge

[illegible]

**REDACTED-FOR PUBLIC INSPECTION**

(710) Broadband Price Offerings  
Data Collection Form

FCC Form 481  
OMB Control No. 3060-0086 / OMB Control No. 3060-0819  
July 2013

<010>	Study Area Code	361505
<015>	Study Area Name	WIKSTROM TEL CO, INC
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035>	Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpas.com

[illegible]

(800) Operating Companies  
Data Collection Form

OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013

<010>	Study Area Code
<015>	Study Area Name
<020>	Program Year
<030>	Contact Name - Person USAC should contact regarding this data
<035>	Contact Telephone Number - Number of person identified in data line <030>
<039>	Contact Email Address - Email Address of person identified in data line <030>
<810>	Reporting Carrier
<811>	Holding Company
<812>	Operating Company
<813>	Affiliates
<82>	SAC
<83>	Doing Business As Company or Brand Designation

-- See attached worksheet --

(900) Tribal Lands Reporting  
Data Collection Form

**REDACTED-FOR PUBLIC INSPECTION**

OMB Control No. 3060-0886 / OMB Control No. 3060-0819  
July 2013

<010>	Study Area Code	361505
<015>	Study Area Name	WIKSTROM TBL CO, INC
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035>	Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpas.com

Red Lake Indian Reservation

<910> Tribal Land(s) on which ETC Serves

<920> Tribal Government Engagement Obligation

361505mm920

Name of Attached Document (.pdf)

If your company serves Tribal lands, please select (Yes, No, NA) for each these boxes to confirm the status described on the attached PDF, on line 920, demonstrates coordination with the Tribal government pursuant to § 54.313(a)(9) includes:

Select (Yes, No, NA)
NA
NA
NA
NA
NA
NA
NA
NA
NA

- <921> Needs assessment and deployment planning with a focus on Tribal community anchor institutions;
- <922> Feasibility and sustainability planning;
- <923> Marketing services in a culturally sensitive manner;
- <924> Compliance with Rights of way processes
- <925> Compliance with Land Use permitting requirements
- <926> Compliance with Facilities Siting rules
- <927> Compliance with Environmental Review processes
- <928> Compliance with Cultural Preservation review processes
- <929> Compliance with Tribal Business and Licensing requirements.



**(1100) No Terrestrial Backhaul Report REDACTED-FOR PUBLIC INSPECTION**

Data Collection Form

OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013

<010>	Study Area Code	361505
<015>	Study Area Name	WIKSTROM TEL CO, INC
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035>	Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@ctcpas.com

<1120> ☐ Please check this box to confirm no terrestrial backhaul options exist within the supported area pursuant to § 54.313(G)

<1130> ☐ Please check this box to confirm the reporting carrier offers broadband service of at least 1 Mbps downstream and 256 kbps upstream within the supported area pursuant to § 54.313(G)

**REDACTED-FOR PUBLIC INSPECTION**OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013**Data Collection Form**

<010>	Study Area Code	361505
<015>	Study Area Name	WIKSTROM TEL CO, INC
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035>	Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpas.com

## &lt;1210&gt; Terms &amp; Conditions of Voice Telephony Lifeline Plans

361505mm1210

Name of attached document (.pdf)

## &lt;1220&gt; Link to Public Website

HTTP

"Please check these boxes below to confirm that the attached PDF, on line 1210, or the website listed, on line 1220, contains the required information pursuant to § 54.422(a)(2) annual reporting for ETCs receiving low-income support, carriers must annually report:

<1221>	Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers,	<input checked="" type="checkbox"/>
<1222>	Details on the number of minutes provided as part of the plan,	<input checked="" type="checkbox"/>
<1223>	Additional charges for toll calls, and rates for each such plan.	<input checked="" type="checkbox"/>

# REDACTED-FOR PUBLIC INSPECTION

(2000) Price Cap Carrier/Additional Document Data Collection Form  
 OMB Control No. 3060-0986/OMB Control No. 3060-0819  
 July 2013

Including Rate-of-Return Carriers Affiliated with Price Cap Local Exchange Carriers

<010>	Study Area Code	361505
<015>	Study Area Name	WIKSTROM TEL CO, INC
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035>	Contact Telephone Number - Number of person identified in data line <030>	651-621-9511
<039>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otopas.com

CHECK the boxes below to note compliance as a recipient of Incremental Connect America Phase I support, frozen High Cost support, High Cost support to offset access charge reductions, and Connect America Phase II support as set forth in 47 CFR § 54.313(b),(c),(d),(e) the information reported on this form and in the documents attached below is accurate.

## Incremental Connect America Phase I reporting

- <2010> 2nd Year Certification (47 CFR § 54.313(b)(1))
- <2011> 3rd Year Certification (47 CFR § 54.313(b)(2))

## Price Cap Carrier Receiving Frozen Support Certification (47 CFR § 54.312(e))

- <2012> 2013 Frozen Support Certification
- <2013> 2014 Frozen Support Certification
- <2014> 2015 Frozen Support Certification
- <2015> 2016 and future Frozen Support Certification

## Price Cap Carrier Connect America ICC Support (47 CFR § 54.313(d))

Certification Support Used to Build Broadband

## Connect America Phase II Reporting (47 CFR § 54.313(e))

- <2017> 3rd year Broadband Service Certification
- <2018> 5th year Broadband Service Certification
- <2019> Interim Progress Certification

Please check the box to confirm that the attached PDF, on line 2021, contains the required information pursuant to § 54.313 (e)(3)(ii), as a recipient of CAF Phase II support shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.

Interim Progress Community Anchor Institutions

Name of Attached Document Listing Required Information

**REDACTED-FOR PUBLIC INSPECTION**

OMB Control No. 3060-986 (OMB Control) No. 3060-0819  
July 2013

(3000) Rate Of Return Carrier Additional Documentation  
Data Collection Form

361505  
 <010> Study Area Code  
 <015> Study Area Name WILKSTROM TEL CO, INC  
 <020> Program Year 2014  
 <030> Contact Name - Person USAC should contact regarding this data Tom Campbell  
 <035> Contact Telephone Number - Number of person identified in data line <030> 651-621-9511  
 <039> Contact Email Address - Email Address of person identified in data line <030> tcampbell@rockcable.com

CHECK the boxes below to note compliance on its five year service quality plan (pursuant to 47 CFR § 54.202(a)) and, for privately held carriers, ensuring compliance with the financial reporting requirements set forth in 47 CFR § 54.313(f)(2). I further certify that the information reported on this form and in the documents attached below is accurate.

#### Progress Report on 5 Year Plan

(3010) Milestone Certification (47 CFR § 54.313(f)(1)(i))  
 Please check this box to confirm that the attached PDF, on line 3012, contains the required information pursuant to § 54.313 (f)(1)(i), as a recipient of CAT Phase II support shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.

(3011) Community Anchor Institutions (47 CFR § 54.313(f)(1)(ii))  
 Is your company a Privately Held ROR Carrier (47 CFR § 54.313(f)(2)) If yes, does your company file the RUS annual report  
 Please check these boxes to confirm that the attached PDF, on line 3017, contains the required information pursuant to § 54.313(f)(2) compliance requires:

(3012) Electronic copy of their annual RUS reports (Operating Report for Telecommunications Borrowers)  
 (3015) PDF of Balance Sheet, Income Statement and Statement of Cash Flows  
 (3016) If the response is yes on line 3014, attach your company's RUS annual report and all required documentation  
 (3017) If the response is no on line 3014, is your company audited?  
 (3018) If the response is yes on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains:

(3019) Either a copy of their audited financial statement; or (2) a financial report in a format comparable to RUS Operating Report for Telecommunications  
 (3020) PDF of Balance Sheet, Income Statement and Statement of Cash Flows  
 (3021) Management letter issued by the independent certified public accountant that performed the company's financial audit.  
 If the response is no on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains:

(3022) Copy of their financial statement which has been subject to review by an independent certified public accountant; or 2) a financial report in a format comparable to RUS Operating Report for Telecommunications Borrowers.  
 (3023) Underlying information subjected to a review by an independent certified public accountant  
 (3024) Underlying information subjected to an officer certification.  
 (3025) PDF of Balance Sheet, Income Statement and Statement of Cash Flows  
 (3026) Attach the worksheet listing required information

Name of Attached Document Listing Required Information

# REDACTED-FOR PUBLIC INSPECTION

<b>Certification - Reporting Carrier Data Collection Form</b>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0619 July 2013
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<010> Study Area Code	361505
<015> Study Area Name	WIKSTROM TEL CO, INC
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035> Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039> Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpas.com

TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING ANNUAL REPORTING ON ITS OWN BEHALF:

<b>Certification of Officer as to the Accuracy of the Data Reported for the Annual Reporting for CAF or LI Recipients</b>	
I certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual reporting requirements for universal service support recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate.	
Name of Reporting Carrier:	
Signature of Authorized Officer:	Date
Printed name of Authorized Officer:	
Title or position of Authorized Officer:	
Telephone number of Authorized Officer:	
Study Area Code of Reporting Carrier:	Filing Due Date for this form:
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

# REDACTED-FOR PUBLIC INSPECTION

Certification - Agent / Carrier Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010> Study Area Code	361505
<015> Study Area Name	WIKSTROM TEL CO, INC
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035> Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039> Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpas.com

TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING ANNUAL REPORTS ON THE CARRIER'S BEHALF:

Certification of Officer to Authorize an Agent to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I certify that (Name of Agent) <u>Tom Campbell</u> is authorized to submit the information reported on behalf of the reporting carrier. I also certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual data reporting requirements provided to the authorized agent; and, to the best of my knowledge, the reports and data provided to the authorized agent is accurate.	
Name of Authorized Agent:	Tom Campbell
Name of Reporting Carrier:	WIKSTROM TEL CO, INC
Signature of Authorized Officer:	CERTIFIED ONLINE
Printed name of Authorized Officer:	Leslie Wikstrom
Title or position of Authorized Officer:	Vice President
Telephone number of Authorized Officer:	218-436-2121
Study Area Code of Reporting Carrier:	361505
Filing Due Date for this form:	10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

TO BE COMPLETED BY THE AUTHORIZED AGENT:

Certification of Agent Authorized to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I, as agent for the reporting carrier, certify that I am authorized to submit the annual reports for universal service support recipients on behalf of the reporting carrier; I have provided the data reported herein based on data provided by the reporting carrier; and, to the best of my knowledge, the information reported herein is accurate.	
Name of Reporting Carrier:	WIKSTROM TEL CO, INC
Name of Authorized Agent or Employee of Agent:	Tom Campbell
Signature of Authorized Agent or Employee of Agent:	CERTIFIED ONLINE
Printed name of Authorized Agent or Employee of Agent:	Tom Campbell
Title or position of Authorized Agent or Employee of Agent:	Consultant
Telephone number of Authorized Agent or Employee of Agent:	651-621-8511
Study Area Code of Reporting Carrier:	361505
Filing Due Date for this form:	10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

**REDACTED-FOR PUBLIC INSPECTION**

Attachments

(800) Operating Companies  
Data Collection Form

OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013

<010>	Study Area Code	361505
<015>	Study Area Name	WIKSTROM TEL CO, INC
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Tom Campbell
<035>	Contact Telephone Number - Number of person identified in data line <030>	651-621-8511
<039>	Contact Email Address - Email Address of person identified in data line <030>	tcampbell@otcpaa.com
<810>	Reporting Carrier	Wilketrom Telephone Company
<811>	Holding Company	na
<812>	Operating Company	na

[illegible]



SAC: 361505

State: MN

Wikstrom Tel Co, Inc

Form 481 Line No. 510 Compliance with Service Quality Standards and Consumer Protection

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## **REDACTED-FOR PUBLIC INSPECTION**

As required by MN. Rule "7812.0700 Minnesota General Service Quality Requirements. Subpart 1" the local services provided by Wikstrom Tel Co, Inc are provided under internal company operating procedures and publically available tariffs which are in compliance with applicable Minnesota Public Utility Commission orders and rules including:

7810.0100 DEFINITIONS.  
7810.0200 SCOPE.  
7810.0300 STATUTORY AUTHORITY.

### **RECORDS AND REPORTS**

7810.0400 RETENTION OF RECORDS.  
7810.0500 DATA TO BE FILED WITH THE COMMISSION.  
7810.0600 REPORT TO COMMISSION ON SERVICE DISRUPTION.  
7810.0900 LOCATION OF RECORDS.

### **CUSTOMER RELATIONS**

7810.1000 INFORMATION AVAILABLE TO CUSTOMER AND PUBLIC.  
7810.1100 COMPLAINT PROCEDURES.  
7810.1200 RECORD OF COMPLAINT.

### **CUSTOMER BILLING; DEPOSIT AND GUARANTEE REQUIREMENTS**

7810.1400 CUSTOMER BILLING.  
7810.1500 DEPOSIT AND GUARANTEE REQUIREMENTS.  
7810.1600 DEPOSIT.  
7810.1700 GUARANTEE OF PAYMENT.

### **DISCONNECTION OF SERVICE; SERVICE DELAY**

7810.1800 PERMISSIBLE SERVICE DISCONNECTIONS WITH NOTICE.  
7810.1900 PERMISSIBLE SERVICE DISCONNECTIONS WITHOUT NOTICE.  
7810.2000 NONPERMISSIBLE REASONS TO DISCONNECT SERVICE.  
7810.2100 MANNER OF DISCONNECTION.  
7810.2200 RECONNECTION OF SERVICE.  
7810.2300 NOTICE REQUIREMENTS.  
7810.2400 BILL DISPUTES.  
7810.2500 ESCROW PAYMENTS.  
7810.2600 WAIVING RIGHT TO DISCONNECT; EMERGENCY STATUS.  
7810.2800 DELAY IN INITIAL SERVICE OR UPGRADE.

### **DIRECTORIES**

7810.2900 CONTENT OF DIRECTORIES.  
7810.3000 DIRECTORY ASSISTANCE.  
7810.3100 CHANGES OR ERROR OF LISTED NUMBER.

### **ENGINEERING**

7810.3200 CONSTRUCTION OF TELEPHONE PLANT.  
7810.3300 MAINTENANCE OF PLANT AND EQUIPMENT.  
7810.3900 EMERGENCY OPERATIONS.

SAC: 361505

State: MN

## **REDACTED-FOR PUBLIC INSPECTION**

Wikstrom Tel Co, Inc

Form 481 Line No. 510 Compliance with Service Quality Standards and Consumer Protection

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### **INSPECTIONS, TESTS, SERVICE REQUIREMENTS**

7810.4100 ACCESS TO TEST FACILITIES.

7810.4300 ACCURACY REQUIREMENTS.

7810.4900 ADEQUACY OF SERVICE.

7810.5000 UTILITY OBLIGATIONS.

7810.5100 TELEPHONE OPERATORS.

7810.5200 ANSWERING TIME.

7810.5300 DIAL SERVICE REQUIREMENTS.

7810.5400 INTEROFFICE TRUNKS.

7810.5500 TRANSMISSION REQUIREMENTS.

7810.5800 INTERRUPTIONS OF SERVICE.

7810.5900 CUSTOMER TROUBLE REPORTS.

7810.6000 PROTECTIVE MEASURES.

7810.6100 SAFETY PROGRAM.

Wikstrom Tel Co, Inc is in compliance with Federal CPNI rules, Red Flag Rules and other Federal and State requirements governing the protection of Customer's privacy.

SAC: 361505

State: MN

Wikstrom Tel Co, Inc

Form 481 Line No. 610 Description of Functionality in Emergency Situations

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## **REDACTED-FOR PUBLIC INSPECTION**

Wikstrom Tel Co, Inc pursuant to MN Rule "7810.390 Emergency Operations" has:

- Established reasonable provisions' to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators or from fire, storm, or acts of God including provisions for emergency power that meet or exceed the rule requirement to provide:
  - A minimum of four hours of battery service in each central office.
  - A permanently installed power unit in exchanges exceeding 5000 lines.
  - Mobile power units that can be delivered on short notice and which can be readily connected in offices without installed emergency power facilities.
  
- Has informed employees as to the procedures to be followed, including reasonable rerouting of traffic around damaged facilities and the deployment of emergency power, in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service.

SAC: 361505

State: MN

Wikstrom Tel Co, Inc

**REDACTED-FOR PUBLIC INSPECTION**

Form 481, Line No. 920, Tribal Government Engagement Obligation

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Wikstrom Tel Co, Inc serves the Red Lake Indian Reservation with phone and internet services. The two parties had conversations in 2012 regarding ongoing telecommunications service needs and priorities. See attached.

**Wikstrom**

**Telecom ♦ Internet**

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212 South Main St., Karlstad, MN 56732  
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December 17, 2012

Honorable Donald May  
Red Lake Tribal Council-Red Lake Nation  
PO Box 550  
Red Lake, MN 56671

Thomas J. Peckham  
Attorney at Law  
Nordhaus Law Firm, LLP  
405 Martin Luther King, Jr. Ave NE  
Albuquerque, NM 87102

RE: FCC Transformation Order-Tribal Engagement

Gentlemen,

The Federal Communications Commission in DA 12-1165 has issued further guidance on the Tribal Engagement obligation adopted in the USF/ICC Transformation order. This obligation is intended to benefit Tribal Government leaders and service providers (ETC-Eligible Telecommunications Carrier) in their goals of providing greater connectivity and the benefits of universal service on tribal lands.

The purpose of this letter is to describe the conditions and obligations to work together for this process to be successful and to document the progress to date. Wikstrom Telephone Co. has had a good relationship with the Red Lake Tribal Council since its first agreements to cross tribal lands at the Northwest Angle in 1993. We have appreciated the support and cooperation between us to provide telecommunication services to those on and adjacent to tribal lands at the Angle. I particularly appreciate the efforts of Harlan Beaulieu of the Tribal Real Estate in guiding us thru the process. Our latest efforts of cooperation began over 18 months ago when Wikstrom Telephone Co. became part of the NW Angle Working Group to develop a permanent solution to a road and utility corridor serving those at the Angle.

Discussion points of DA 12-1165

1. Section II para 7: This section requires that we demonstrate annually that we have engaged with the Tribal governments and we have discussions related to 1) needs assessment; 2) feasibility planning; 3) marketing services; 4) right of way processes; and 5) compliance with Tribal business licensing.

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2. Section III A. General Guidance: Wikstrom Telephone has met the general requirements of this section as we have had on-going discussions, between principal decision makers of both sides thru the actions of our joint involvement in the working group.
  3. Section III para 14.: A certification is due to the FCC on July 1, 2013 and each year hereafter that we have mutually engaged, and we look forward to a future document that will provide that certification.
  4. Section III B. Needs Assessment: Wikstrom Telephone has filed tariffs and has service offerings on its website ([www.wikstel.com](http://www.wikstel.com)) regarding services available at the NW Angle that are generally available to all residents, including Tribal members on Tribal lands. It is our understanding that there are no current community anchor institutions at the NW Angle, or any Tribal members unserved or waiting for service.
  5. Section III C. Feasibility: Wikstrom Telephone will work with the Tribal Council to fulfill future requests for services at the NW Angle. We understand the challenges, as we have been providing service in this remote area and the Islands since the 1980's, and have invested hundreds of thousands of dollars in capital investment to provide fiber optic and copper facilities. Any insight on the long term development of the Tribal lands is welcomed and we look forward to coordinating future service needs. We have had discussions in the last year, as part of the working group, on future prospects.
  6. Section III D. Marketing Services: Wikstrom Telephone strives to ensure all of its marketing efforts will be culturally and ethnically neutral for all of its customers. We welcome any suggestions and a future conversation that will provide joint direction to ensure we market services in a manner that meets the needs of the Tribal members. As this is a remote area, and few members reside in this area, we don't currently believe a retail presence in the community is necessary.
  7. Section III E. Rights of Way: I believe our past history of working together since 1993 to provide right of way for telecommunications facilities demonstrates the joint commitment we have to serving the NW Angle. The meetings we had throughout 2011 and 2012 provided a new platform for agreement on managing the right of way and a new draft for Utility permitting was developed on February 14, 2012.
  8. Section III F. Business Licensing: To date the Red Lake Tribal Council has not imposed a Business license fee on Wikstrom Telephone as no services are provided on Tribal lands, but do understand that telephone cables cross these lands to provide service to others. As part of the NW Angle working group, we understand and agree that a future license may be required as part of the larger Utility permit agreement.

In summary I believe we have met the requirements for 2012 in our meetings over the past 2 years and look forward to any additional insight and guidance from the Tribal Council. A Certification Form will be available after additional clarification of the FCC order is complete and we look forward to providing the document jointly to the Commission.

Sincerely,

  
Alan Lundeen  
P. Manager



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 12-1165

Released: July 19, 2012

**OFFICE OF NATIVE AFFAIRS AND POLICY,  
WIRELESS TELECOMMUNICATIONS BUREAU, AND  
WIRELINE COMPETITION BUREAU ISSUE FURTHER GUIDANCE ON  
TRIBAL GOVERNMENT ENGAGEMENT OBLIGATION PROVISIONS OF THE  
CONNECT AMERICA FUND**

WC Docket Nos. 10-90, 07-135, 05-337, 03-109  
CC Docket Nos. 01-92, 96-45  
WT Docket No. 10-208  
GN Docket No. 09-51

## **I. INTRODUCTION AND SUMMARY**

1. By this Public Notice, the Federal Communications Commission's (FCC or Commission) Office of Native Affairs and Policy (ONAP), in coordination with the Wireless Telecommunications and Wireline Competition Bureaus (the Bureaus), provides further guidance on the Tribal engagement obligation adopted in the *USF/ICC Transformation Order*.<sup>1</sup> This document is intended to facilitate the required discussions between Tribal government officials and communications providers either currently providing or seeking to provide service on Tribal lands with the use of Universal Service Fund (USF) support.<sup>2</sup>

2. The broad goal of the guidance provided today, and future efforts to establish best practices, is to ensure the effective exchange of information that will lead to a common understanding between Tribal governments and communications providers receiving USF support, on the deployment and improvement of communications services on Tribal lands. The Tribal engagement obligation is intended to benefit Tribal government leaders, service providers, and consumers living on Tribal lands, ultimately providing greater connectivity to 21<sup>st</sup> century economic opportunities, education, health care, and public safety. This obligation is related to the very essence of universal service – facilitating and supporting connectivity to and from the most remote areas of our nation inures to the benefit of all. Requiring Tribal engagement is intended to begin and, in some cases, to strengthen, the dialogue between communications providers and Tribal governments. We anticipate that genuine dialogue and common understandings will ultimately lead to improvement of communications services on Tribal lands.

<sup>1</sup> See *Connect America Fund*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC 17663 at 17868-69, para. 637 (2011) (*USF/ICC Transformation Order*); *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 18, 2011).

<sup>2</sup> See *id.* In the context of the *USF/ICC Transformation Order*, "Tribal lands" is defined as "any federally recognized Indian tribe's reservation, pueblo or colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlements [sic] Act (85 Stat. 688), and Indian Allotments, see 47 C.F.R. § 54.400(e), as well as Hawaiian Home Lands—areas held in trust for native Hawaiians by the state of Hawaii, pursuant to the Hawaiian Homes Commission Act, 1920, Act July 9, 1921, 42 Stat. 108, *et seq.*, as amended." *Id.* at para. 125, n.197.

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3. Good guidance, by definition, must include assistance on how to undertake an endeavor with an aim towards success. Any attempt at actual and meaningful dialogue must be predicated on the genuineness of the intent on both sides. This engagement cannot be viewed as simply another "check the box" requirement by either party. In many places, we expect that there are good and productive relationships between communications providers and Tribal Nations. To the extent that there might be existing differences, however, the parties should put aside those differences for the purposes of this engagement. This engagement process should not be approached as an adversarial undertaking. Instead, Tribal governments and carriers should take advantage of the engagement to improve communications and foster a greater common understanding of the factors necessary to deploy and sustain services on Tribal lands, as well as an honest dialogue to learn from one another what factors would lead to success in those endeavors. In all cases, a high degree of receptivity and responsiveness is necessary to achieve meaningful dialogue, as well as confidence in the reliability of information exchanged. Candid and sincere dialogue on both sides will minimize the possibility that unreasonable expectations by either party will derail common understandings and genuine solutions.

4. Creating a substantive, meaningful dialogue is an iterative process, one which, in certain regions, is at its earliest stages of development. In a similar sense, the further guidance contained in this Public Notice represents the first step in the Commission's implementation of the Tribal engagement obligation. We recognize that priorities and plans of individual Tribal governments and individual service providers can vary greatly, as do the existing relationships between Tribal governments and carriers currently serving Tribal lands. Therefore, there is no one size fits all guidance that can be provided that will be universally applicable. As a result, the guidance provided herein is somewhat general in nature at this stage, but we anticipate that our guidance, as well as the development of best practices, will evolve over time based on initial implementation experiences and the feedback of both Tribal governments and communications providers.

5. ONAP, in coordination with the Bureaus, will track and monitor this feedback and will develop further guidance in the form of best practices based on actual experiences.<sup>3</sup> In an effort to further facilitate engagement efforts at this initial stage, ONAP will employ training and industry meeting opportunities, as well as its coordination events with Tribal Nations. These efforts will include, for example, working with national and regional communications industry associations and national and regional inter-Tribal government associations and organizations.<sup>4</sup> ONAP will focus particular efforts -- for example, by identifying commonalities, increasing efficiencies, building upon current working relationships, and engaging all regional stakeholders, as appropriate -- to foster engagement in states and regions in which Tribes and providers are particularly remote and in which Tribes are particularly numerous.<sup>5</sup> ONAP, in coordination with the Bureaus, will continue to serve as a resource for Tribal governments and communications providers and is always available for individually tailored assistance.

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<sup>3</sup> See *id.* at para. 637, n.1054 (directing ONAP, in coordination with the Bureaus, to develop best practices).

<sup>4</sup> See Letter from the Hon. Mark Begich, United States Senator, State of Alaska; the Hon. Lisa Murkowski, United States Senator, State of Alaska; and the Hon. Don Young, United States Congressman, State of Alaska, to the Hon. Julius Genachowski, Chairman, FCC, dated Feb. 22, 2012 ("[W]e request that you work with the tribal groups, carriers and the State of Alaska to clarify the tribal consultation requirements included in the reform order"). See also Letter of Becky Hultberg, Commissioner, Department of Administration, State of Alaska, to the Hon. Julius Genachowski, Chairman, FCC, dated February 17, 2012.

<sup>5</sup> For example, there are 229 federally recognized Tribes in Alaska, 108 in California, 38 in Oklahoma, 23 in New Mexico, and 21 in Arizona. See Federal Register Notice -- Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 75 Fed. Reg. 60,810 (Oct. 1, 2010). See also Supplemental Federal Register Notice -- Indian Entities 1 Page Recognized and Eligible to Receive Services from the United State Bureau of Indian Affairs, 75 Fed. Reg. 66,124 (Oct. 27, 2010).



**REDACTED-FOR PUBLIC INSPECTION****II. BACKGROUND**

6. In the *USF/ICC Transformation Order*, the Commission adopted a Tribal engagement requirement for all eligible telecommunications carriers (ETCs) either currently serving or seeking to serve Tribal lands.<sup>6</sup> The Commission agreed with commenters that engagement between Tribal governments and communications providers is vitally important to the successful deployment of and provision of service on Tribal lands.<sup>7</sup>

7. The Commission therefore required, at a minimum, that ETCs demonstrate on an annual basis that they have meaningfully engaged with Tribal governments in their universal service supported areas.<sup>8</sup> At a minimum, the *USF/ICC Order* stated that such discussions must include: (1) a needs assessment and deployment planning with a focus on Tribal community anchor institutions; (2) feasibility and sustainability planning; (3) marketing services in a culturally sensitive manner; (4) rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and (5) compliance with Tribal business and licensing requirements.<sup>9</sup> Failure to satisfy the Tribal engagement obligation will subject ETCs to financial consequences, including potential reduction in universal service support should they fail to fulfill their engagement obligations.<sup>10</sup>

8. In requiring Tribal engagement, the Commission did not intend to supplant its own ongoing obligation to consult with Tribes on a government-to-government basis, but instead recognized the important role that all parties play in expediting communications service to Tribal lands throughout the nation, including in Alaska and Hawaii.<sup>11</sup> ETCs will be required to submit to the Commission and appropriate Tribal government officials an annual certification and summary of their compliance with the Tribal government engagement obligation as part of the new Connect America Fund reporting requirements.<sup>12</sup> The Commission defined appropriate Tribal government officials as elected or duly authorized government officials of federally recognized American Indian Tribes and Alaska Native Villages.<sup>13</sup> For Hawaiian Home Lands, this engagement must occur with the State of Hawaii Department of Hawaiian Home Lands and the Office of Hawaiian Affairs.<sup>14</sup> The Commission delegated to ONAP, in coordination with the Bureaus, the authority to develop specific procedures regarding the Tribal

<sup>6</sup> See *USF/ICC Transformation Order*, 26 FCC Rcd at 17868-69, para. 637.

<sup>7</sup> *Id.* Mobility Fund and Tribal Mobility Fund Phase I winning bidders will be required to comply with this Tribal engagement obligation at the long-form application stage, in annual reports, and prior to any disbursement of support. *Id.* at para. 489. We note, however, that any such engagement must be done consistent with our auction rules prohibiting certain communications during the competitive bidding process. *Id.* at para. 810. In the *Further Notice of Proposed Rulemaking*, the Commission proposed to apply the same Tribal engagement obligation to Phase II of the general and Tribal Mobility Funds and sought comment on that proposal. *Id.* at para. 1166.

<sup>8</sup> *Id.* at para. 637. See also 47 C.F.R. §§ 54.313(a)(9), 54.1004(d), 54.1009.

<sup>9</sup> *Id.*

<sup>10</sup> See *USF/ICC Transformation Order*, 26 FCC Rcd at 17868-69, para. 637.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* See also *id.* at para. 575 ("Under this uniform framework, ETCs will provide annual reports and certifications regarding specific aspects of their compliance with public interest obligations to the Commission, USAC [the Universal Service Administrative Company], and the relevant state commission, relevant authority in a U.S. Territory, or Tribal government, as appropriate by April 1 of each year.") See generally *id.* at paras. 576-606 (articulating specific reporting requirements). See also *Connect America Fund*, WC Docket No. 10-90 *et al.*, Order, 27 FCC Rcd 2142 at 2144-47, paras. 4-14 (2012) (*USF/ICC Clarification Order*) (revising and clarifying certain reporting obligations for recipients of Connect America Fund support).

<sup>13</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 17869, para. 637, n.1053.

<sup>14</sup> *Id.*

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engagement process, as necessary.<sup>15</sup> The Commission also directed ONAP, in coordination with the Bureaus, to develop best practices regarding the Tribal engagement process to help facilitate these discussions.<sup>16</sup>

**III. FURTHER GUIDANCE ON THE TRIBAL GOVERNMENT ENGAGEMENT OBLIGATION****A. Overview/General Guidance**

9. As stated above, the purpose of this guidance is to ensure the effective exchange of information between Tribal governments and communications providers concerning the deployment and improvement of communications services on Tribal lands throughout the nation, including in Alaska and Hawaii. This exchange of information should foster new opportunities for genuine dialogue that could achieve an alignment of interests and goals. Between certain carriers and Tribal governments, this will be an opportunity for introduction and dialogue in the first instance. In other parts of the country, this will be an opportunity for a new depth of dialogue and more meaningful interaction. An important goal of this guidance is the achievement of a level of engagement between principals on both sides that represents collaborative discussions and actual live conversation.<sup>17</sup> We encourage stakeholders to go beyond merely perfunctory exchanges of basic documents, simplistic sales or marketing presentations, or one-dimensional lists of demands.

10. It is imperative that this dialogue be undertaken at a level within communications providers and Tribal governments that is commensurate with this important engagement requirement. The discourse should be between decision-makers on both sides. While it may be necessary to include administrative staff on both sides to administer and maintain the continuity of relations, this engagement cannot be merely between sales and marketing individuals on one side and administrative staff or advisors on the other. The perspectives on needs, expectations, priorities, and abilities that would formulate meaningful exchange often can come only from those with the requisite authority to make decisions.

11. On the Tribal government side, there are certain actions that should be taken to best prepare for this valuable engagement. It is important for Tribal leaders to recognize and act upon this opportunity to become organized, maintain continuity, and provide for certainty in conveying their communications needs and priorities. The Commission has long recognized the right of sovereign Tribal governments "to set their own communications priorities and goals for the welfare of their membership."<sup>18</sup> This is a critical time for Tribal Nations to update and make comprehensive their communications priorities and goals. Tribal governments should consider all community needs that would be supported by communications services. These might include, but are not limited to, anchor institutions, economic development, education, healthcare, and public safety. Each Tribal Nation has unique elements to its communications needs and priorities, but effectively articulating those needs is a critical first step in addressing them.

12. As Tribal government administrations change and develop, this is an important opportunity to demonstrate, both to communications providers and to the Commission, their continuity in communications priorities and goals. Certain Tribal governments have created their own governmental

<sup>15</sup> *Id.* Although our focus here is on providing guidance, the Commission thus will consider the need for further guidance, or to clarify the existing rules regarding Tribal engagement or pursue new rules with specific procedures, if warranted in the future based on actual experiences and outcomes resulting from this guidance.

<sup>16</sup> *Id.* at n.1054.

<sup>17</sup> For example, engagement may occur when necessary by phone or video conference where extreme weather conditions and/or extreme remoteness are present.

<sup>18</sup> Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes, 16 FCC Rcd 4078, 4080-81 (2000) (*Tribal Policy Statement*).

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offices and commissions to interact with the FCC and communications providers. Others have designated key members of their Tribal Councils to lead their communications prerogatives for their governments, in effect creating communications committees on their Councils. Other Tribes have yet to organize their governmental or administrative systems with respect to communications services. This engagement obligation necessitates a level of organization within the Tribal government that can convey both a high degree of certainty in the communications priorities of the Tribal Nation and maintain the continuity of those priorities to the greatest extent possible in a governmental environment that, by definition, changes over time. Updating Tribal communications priorities and goals, and ensuring the establishment of effective organizational structures concerning communications issues, are important first steps. However, ETCs must begin the Tribal engagement process this year to be able to report on meaningful engagement by July 1, 2013.<sup>19</sup> Therefore, Tribal governments may need to take interim measures in the short term as they consider establishing new or modified communications goals and priorities.

13. Tribal Nations also should immediately begin preparations to receive, record, and process this engagement dialogue and any related correspondence. Specific efforts should be made to chronicle details of engagement dialogue sessions. Recordkeeping should be established for documentation of the initial contact, any follow-up communications, and the resulting annual certification documentation. Records should include, for example, a summary of all verbal interactions as well as copies of all electronic and hard copy communications.<sup>20</sup>

14. Similarly, communications providers should take immediate steps to prepare for and initiate engagement with the Tribal governments whose lands they serve. Certifications articulating the steps taken to comply with the annual Tribal engagement obligation in 2012 are due on July 1, 2013 and each year thereafter.<sup>21</sup> That is, the Tribal engagement obligation must be fulfilled by the end of each calendar year. Communications providers should, for example, take immediate steps to establish a lead and/or a team within their companies and to identify the appropriate Tribal government leaders with whom they will initiate the engagement process. The National Congress of American Indians (NCAI)<sup>22</sup> maintains a routinely updated and comprehensive directory of American Indian Tribal and Alaska Native Village government leaders, addresses, and telephone numbers. The NCAI Tribal directory can be sorted by geographical area and can be found at <http://www.ncai.org/tribal-directory>.<sup>23</sup> Where needed, ONAP also will serve as a resource for communications providers and Tribal governments.

15. In addition, communications providers should retain copies of all communications with Tribal leaders they would need in order to demonstrate compliance with their annual certification requirement. In the event that a Tribal government does not respond to repeated efforts to engage, the provider should document all attempts at engagement and certify to that effect. As with the entire engagement process, reasonableness should prevail. As a general matter, we expect that a provider would not be penalized for a failure to respond on the part of a Tribal Nation, if the provider can demonstrate repeated good faith efforts to meaningfully engage with the Tribal government.

<sup>19</sup> See *Connect America Fund*, WC Docket No. 10-90 *et al.*, Third Order on Reconsideration, FCC 12-52 at para. 10 (rel. May 14, 2012) (*Third Reconsideration Order*) (changing the filing deadline from April 1 to July 1).

<sup>20</sup> For example, all ETCs receiving high-cost are now subject to a 10-year document retention requirement. See *USF/ICC Transformation Order*, 26 FCC Rcd at 17864, para. 620. See also *Third Reconsideration Order*, FCC 12-52 at para. 14.

<sup>21</sup> See *Third Reconsideration Order*, FCC 12-52 at para. 10. See also 47 C.F.R. §§ 54.313, 54.1009..

<sup>22</sup> NCAI is the nation's oldest, largest, and most representative inter-Tribal government and communities organization, representing American Indian Tribes and Alaska Native Villages.

<sup>23</sup> For a listing of all federally recognized American Indian Tribes and Alaska Native Villages, see [www.bia.gov/cs/groups/xofa/documents/document/idc012038.pdf](http://www.bia.gov/cs/groups/xofa/documents/document/idc012038.pdf). ONAP, in coordination with the Bureaus, will endeavor to provide additional resources to Tribal governments and carriers to help facilitate this engagement, including the possibility of using the Commission's website as a repository of information.

**REDACTED-FOR PUBLIC INSPECTION****B. Needs Assessment and Deployment Planning**

16. Tribal governments play a vital role in identifying and serving the needs and interests of their local communities, often in remote, insular, cyclically impoverished communities with a historic lack of critical infrastructure. Tribal government leaders are intimately acquainted with their members' needs and have valuable insight into how to meet them. "Tribal-centric" business models – those that actively engage the Tribe, its core community institutions, and members in deployment and adoption planning – have a greater chance of establishing sustainable services on Tribal lands.<sup>24</sup> Communications providers also have experience and a valuable perspective on the challenges, economics, and other realities of providing service to remote, low-income, and underserved regions of the country, including certain Tribal lands.

17. The Tribal engagement obligation provides Tribal governments and communications providers alike with a new opportunity – the opportunity to have a genuine conversation about communications needs and deployment planning on Tribal lands. When telephone service was originally deployed, there was no such obligation and, as a result, in many instances, Tribal needs and carrier deployment efforts were not aligned. The Tribal engagement obligation affords both Tribal governments and communications providers the opportunity to move forward with a shared vision. This will only occur, however, if Tribal governments and communications providers alike take advantage of this historic opportunity to improve the communications landscape on Tribal lands.

18. To that end, Tribal governments should come to the table with a serious, well-thought out assessment of the Tribes' communications needs. Issues that Tribal governments should consider include, for example, the Tribe's communications goals, needs, and priorities, as well as what the Tribe intends to do with communications services (e.g., provide connectivity to those living on Tribal lands, encourage economic opportunity). Tribal governments should also assess what core community or anchor institutions are central to deployment, and what in the nature and operations of these institutions is relevant to the need for communications services. In addition, Tribal governments should consider whether there are economic factors and possibly Tribally-driven opportunities that will assist in making the business case for deployment on Tribal lands, as well as opportunities where Tribal governments and communications providers can partner. In analyzing and discussing communications goals, needs, and priorities, Tribal governments should note that recipients of Connect America Fund (CAF) support, including the Mobility Fund, are subject to public interest obligations, as established in the *USF/ICC Transformation Order*.<sup>25</sup>

19. Similarly, communications providers should come to the table ready to articulate their deployment priorities, the process by which they arrived at these priorities, and their initial plans for deployment on Tribal lands. Issues that communications providers should be prepared to discuss include, for example, the services they currently deploy, and what services they intend to deploy, on Tribal lands. Providers should also be prepared to discuss their timelines for the provision of services not currently available on Tribal lands, as well as their priorities in terms of service and the factors that led them to prioritize deployment to particular areas. Communications providers should also identify any opportunities they envision to partner with Tribal governments.

**C. Feasibility and Sustainability Planning**

20. Feasibility and sustainability planning for communications services on Tribal lands presents issues of concern for both Tribal governments and communications providers. Tribal governments generally want services rapidly deployed for their members to support the economic, educational, public safety, and health care opportunities that communications services afford. Communications providers

<sup>24</sup> See *Improving Communications Services for Native Nations*, CG Docket No. 11-41, Notice of Inquiry, 26 FCC Rcd 2672, 2679-80, para. 12 (2011) (*Native Nations NOI*).

<sup>25</sup> See *USF/ICC Transformation Order*, 26 FCC Rcd at 17691-17709, paras. 74-114.

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generally want business models that will be practical in terms of build out, and viable in terms of revenue flow and quality of service. While some commonalities likely exist, we believe there are many differences from one provider to another and from one Tribal government to another. The Tribal engagement obligation affords both parties the opportunity to share specific perspectives and information and to begin charting a path forward to address feasibility and sustainability in coordination with one another.

21. Tribal lands nationwide face some of the greatest challenges to the feasibility and sustainability of a 21<sup>st</sup> century communications infrastructure, including rugged and remote terrain and often endemic levels of poverty. Therefore, communications build out plans based purely on population density or proximity to other robust networks can face major cost benefit analysis challenges. Tribal government leaders, who are largely responsible for managing a wide array of government services and economic opportunities for their communities, are uniquely situated to advise communications providers of the specific challenges associated with deploying and sustaining a communications network on their lands. The Tribal engagement obligation will facilitate discussion between Tribal government leaders and communications providers, affording providers an important opportunity to draw upon the knowledge gained to inform and coordinate their feasibility and sustainability planning.

22. Tribal Nations should be prepared to discuss any additional resources they may bring to bear in feasibility and sustainability planning for communications services, because many federal grant or loan programs provide direct access to, or particular standing for, Tribal Nations and their entities. That is, there are federal government programs that support infrastructure deployment and support the economic, health, safety, and welfare missions in Native communities—the very same priorities for the deployment of robust communications networks on Tribal lands. For example, Tribes may be considering business ventures that would benefit from coordination on communications planning at the outset. Together, providers and Tribal Nations have the opportunity to discuss how to coordinate in planning, providing, and meeting the expenses for communications services on Tribal lands.

23. When addressing the issues of sustainability on Tribal lands, one must also calibrate expectations and develop an awareness of the unique nature of Tribal communities. Issues such as cyclical poverty, remoteness, and deployment priorities all inform the potential sustainability and ultimate profitability of a particular communications model on Tribal lands. That is, it can take a longer period of time to develop a sustainable enterprise on many Tribal lands. Increased coordination between Tribal governments and communications providers on specific elements of feasibility will heighten the chances of ultimate sustainability for communications business models on Tribal lands.

**D. Marketing Services in a Culturally Sensitive Manner**

24. As noted above, for the purposes of the USF/ICC proceeding and, therefore, the Tribal engagement obligation, Tribal lands are comprised of the lands of the approximately 566 federally recognized American Indian Tribes and Alaska Native Villages, as well as Hawaiian Home Lands.<sup>26</sup> Tribal lands represent a rich and diverse array of cultural heritage, history, practices, and pride. Outside the context of Tribally owned and operated providers, however, seldom have these cultural factors been fully considered in the marketing and deployment of communications services on Tribal lands. The Tribal engagement obligation provides Tribal governments and communications providers with the opportunity to discuss and explore ways in which they can coordinate or partner to ensure that services are marketed in a manner that will relate directly to the community, resonate with consumers, and stimulate increased adoption of services on Tribal lands.

25. Issues that Tribal governments and communications providers may wish to discuss include the tailoring of service offerings to the community through, for example, the feasibility of a local presence in the community. For example, locating a retail presence within a Tribal community and employing

<sup>26</sup> See *supra* n.2.

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members of that community may increase awareness of and sensitivity to local cultural and communications needs. Providers and Tribal governments also may wish to discuss whether developing materials, separately or jointly, specific to the Tribal community would be beneficial to either the provider or consumers on Tribal lands. In addition, providers and Tribal governments also may wish to discuss what other elements of their respective organizations may need to be engaged. For Tribal governments, this may mean administrative planning, community service, and other governmental offices. For providers, this may mean customer service, technical assistance, and commercial business divisions. Through a heightened mutual understanding of one another's needs, we anticipate that Tribal governments and communications providers may discover opportunities for working together that will yield benefits to all. Studies indicate that these efforts present genuine opportunities for success, because where Native Nations and their community members have access to broadband, their rates of Internet use are on par with, if not higher than, national averages.<sup>27</sup>

**E. Rights of Way and Other Permitting and Review Processes**

26. There are numerous regulatory processes with which service providers must comply in order to provide communications services on Tribal lands, including rights of way, land use permitting, facilities siting, and environmental and cultural review processes.<sup>28</sup> Certain of these processes involve other federal agencies, such as the Department of Interior's Bureau of Indian Affairs (BIA), and failure to comply with these processes may result in a finding of trespass. Given the widely varying circumstances on different Tribal lands, a one size fits all approach is not appropriate here. Instead, in the context of the Tribal engagement obligation, the common goal for Tribal governments and communications providers should be one of greater mutual understanding about the relevant rights of way and other permitting and review processes on Tribal lands and a plan for informing communications providers of procedures in a helpful and instructive manner, designed to bring companies into compliance, where applicable.

27. To that end, Tribal governments and communications providers should come to the table prepared to discuss the relevant rights of way and other permitting and review processes, as well as the challenges associated with these processes. For example, with respect to the BIA's appraisal process for rights of way, dialogue that prioritizes early notification might expedite Tribal governments' consultations with BIA and consent.<sup>29</sup> Tribal governments should have a comprehensive list of all processes with which communications providers serving their Tribal lands are required to comply, such as rights of way, land use permitting, facilities siting, and environmental and cultural review processes. Communications providers should have documentation of any and all processes with which they currently comply. All of this information will provide the foundation for a substantive discussion of all requirements and steps for moving forward together.

**F. Compliance with Tribal Business and Licensing Requirements**

28. As sovereign institutions, Tribal governments have the authority to impose Tribal business and licensing requirements on all entities doing business on their lands. While the type and form of requirements may vary greatly from one Tribal land to another, Tribal business and licensing requirements include business practice licenses that Tribal and non-Tribal business entities, whether located on or off Tribal lands, must obtain upon application to the relevant Tribal government office or division to conduct any business or trade, or deliver any goods or services, to the Tribe, Tribal members, or Tribal lands. The form of these licenses vary greatly, including certificates of public convenience and necessity, Tribal business licenses, master licenses, and other related forms of Tribal government

<sup>27</sup> See Traci L. Morris Ph.D., Native Public Media and Sascha D. Meinrath, New America Foundation, NEW MEDIA, TECHNOLOGY AND INDIAN USE IN INDIAN COUNTRY: QUANTITATIVE AND QUALITATIVE ANALYSES (Nov. 19, 2009) (NPM/NAF New Media Study).

<sup>28</sup> See *USF/ICC Transformation Order*, 26 FCC Red at 17868-69, para. 637.

<sup>29</sup> See generally 25 C.F.R. Part 169 – Rights-of-Way Over Indian Lands.

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licensure.<sup>30</sup>

29. As part of the Tribal engagement obligation, Tribal governments and communications providers should come to the table prepared to discuss in detail the relevant Tribal business and licensing requirements. Tribal governments should have a comprehensive list of any such requirements applicable to the provision of communications services. They should be prepared to provide an explanation of precisely what all such requirements entail, including specific application procedures and timeframes, as well as the governmental offices involved in the licensing process. Communications providers should be prepared to provide evidence of compliance with any Tribal business practice licenses with which they currently comply for that Tribe. Consistent with the discussion above regarding rights of way and other permitting and review processes, the common goal here should be one of greater mutual understanding about the relevant Tribal business licensing requirements and a plan for bringing companies into compliance, where applicable.

**IV. CONCLUSION**

30. In conclusion, the Tribal engagement obligation represents an opportunity for Tribal governments and communications providers to coordinate on many issues critical to the deployment and adoption of communications technologies on Tribal lands. As discussed in the introduction, this guidance represents the first step in an iterative process. That is, this guidance will evolve over time based on initial experiences and feedback from Tribal governments and communications providers. In an effort to identify commonalities, increase efficiencies, and build upon current working relationships, ONAP will engage all regional stakeholders, as appropriate, and will respond to needs articulated by communications providers and Tribal governments.

**V. CONTACTS**

31. For further information concerning this guidance, contact the offices listed below:

**Office of Native Affairs and Policy**

Geoffrey Blackwell at (202) 418-3629

Irene Flannery at (202) 418-1307

**Wireless Telecommunications Bureau**

Sue McNeil at (202) 418-7619

**Wireline Competition Bureau**

Joseph Cavender at (202) 418-1548

- FCC -

<sup>30</sup> See *USF/ICC Transformation Order*, 26 FCC Rcd at 17868-69, para. 637, n.1052.

## REDACTED-FOR PUBLIC INSPECTION

Thomas Burns  
651.621.8322 - Direct  
651.621.8323 - Facsimile  
tgburns@otcpas.com



*Depend on our people. Count on our advice.™*

To: MIC Member Companies Serving Tribal Lands

Date: December 11, 2012

Subject: ACTION REQUIRED - Engagement with Tribal Government Leaders Before Year End 2012

From: Tom Burns

Carriers serving Tribal lands are required, prior to year end 2012, to initiate contact with Tribal elected officials regarding ongoing telecommunications service needs and priorities as a condition of receiving Universal Service Fund (USF) support for services provided on Tribal lands. A "Tribal Engagement" policy was introduced as part of the FCC's Connect America Fund Order (November 2011 Order), with additional guidance provided by the FCC's Office of Native Affairs and Policy (ONAP) in a July 19, 2012 Further Guidance Notice (FGN). ETCs are expected to initiate contact prior to 2012 year end, and file a certification with the FCC July 1, 2013. The certification must also be filed with elected Tribal officials.

The FGN states ETCs should engage in an ongoing dialogue with Tribal leadership and the substance of the meetings and contacts must be carefully documented. Tribal engagement meetings address:

- A needs assessment and deployment planning with a focus on Tribal community anchor institutions;
- Other sources of funding available, i.e., feasibility and sustainability planning;
- Carrier marketing services in a culturally sensitive manner;
- Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and
- Compliance with Tribal business and licensing requirements

ETCs serving Tribal lands obligations should move forward to initiate a meeting between decision makers at the company and Tribal government elected officials. ETCs should retain copies of all communications with tribal leaders in order to demonstrate compliance. ETCs should also be prepared to provide evidence of compliance with any Tribal business practice licenses.

If you have any questions regarding the above, please contact me at 651.621.8322 or tgburns@otcpas.com.



Al Lundeen

**REDACTED-FOR PUBLIC INSPECTION**

**From:** Cliff Tweedale [ctweedale@hrdc.org]  
**Sent:** Tuesday, January 10, 2012 9:48 AM  
**To:** Al Lundeen; Bill Brunelle; Cindy Buttleman (cindy.buttlemann@state.mn.us);  
Craig.Collison@dot.state.mn.us; Dallas Block; Dean Branchaud; Don Brunelle; Donald J. "Dudie"  
May; Edward Arnesen (edarnesen@wiktel.com); Harlan Beaulieu  
(HBeaulieu@RedLakeNation.org); Jack Olson (jack.olson@state.mn.us); JoAnn Zutz; Les  
Peterson; Lori Dowling; Lu Tasa (Luane.Tasa@state.mn.us); Mike Adams; Mike Carroll  
(mike.carroll@dnr.state.mn.us); Pat Graves; Thomas J. Peckham; Tim Erickson; Todd Beckel  
(toddbeckel@mncable.net); Tracey Stoll; Tracey Stoll; Valerie Gravseth; Wally Sparby  
(wallysparby@mncable.net)  
**Subject:** Final Reminder  
**Attachments:** Agenda 1 11 12.doc

Hi Working Group members:

This is a final reminder of our 11:00 a.m., Wednesday meeting in the County Board Room at the Courthouse in Baudette. Attached is an agenda.

See you there!

cliff

12/14/2012

# REDACTED-FOR PUBLIC INSPECTION

## **Agenda**

### **Northwest Angle Working Group Meeting**

**11:00 a.m., Wednesday, January 11, 2012**

**Board Room, Lake of the Woods County Courthouse**

- 11:00 a.m.**     **1) Welcome, Overview: Where we are**
- 11:10**           **2) Backing Up: Answering Questions for NW Angle Representation.** We're at an interesting phase of this process. Many decisions are made, but we also have a couple new members that need other fundamental questions answered. We'll try to answer those questions, but also make sure we get traction on the issues remaining before us.
- 11:45**           **3) Key Issues to Resolve**
- Road operations/construction/maintenance
    - **Where We're At:** We need to resolve the CSAH/Competitive Bidding requirement. We can check in briefly on the other dimensions of this issue.
  - Provision of law enforcement services
    - **Where We're At:** The group will be giving us insight on what laws are enforced, by who, on what populations.
  - Provision of utilities
    - **Where We're At:** The temporary permit process is a good start to the development of a permanent process. We'll review suggested changes to this process.
- 1:30**           **Next Steps**
- 1:45**           **Adjourn**

(Note: Lunch will be brought in; we can work through lunch if that is acceptable to everyone)

Al Lundeen

**REDACTED-FOR PUBLIC INSPECTION**

**From:** Cliff Tweedale [ctweedale@hrdc.org]

**Sent:** Friday, February 10, 2012 8:50 AM

**To:** Al Lundeen; Bill Brunelle; Cindy Buttleman (cindy.buttleman@state.mn.us); Craig.Collison@dot.state.mn.us; Dallas Block; Dean Branchaud; Don Brunelle; Donald J. "Dudie" May; Edward Arnesen (edarnesen@wiktel.com); Harlan Beaulieu (HBeaulieu@RedLakeNation.org); Jack Olson (jack.olson@state.mn.us); JoAnn Zutz; Les Peterson; Lori Dowling; Lu Tasa (Luane.Tasa@state.mn.us); Mike Adams; Mike Carroll (mike.carroll@dnr.state.mn.us); Pat Graves; Thomas J. Peckham; Tim Erickson; Todd Beckel (toddbeckel@mncable.net); Tracey Stoll; Tracey Stoll; Valerie Gravseth; Wally Sparby (wallysparby@mncable.net)

**Subject:** Meeting Confirmation

Hello NW Angle Working Group:

This e-mail is to confirm our meeting for 11:00 a.m., Wednesday, February 15<sup>th</sup> at the Seven Clans Casino. I think we've made good progress that allows us to get to the next level in this conversation.

Here are my suggestions for an agenda:

- **Brief review of where we're at.** We'll remind each other of the progress we've made
- **Discussion of Law Enforcement Issue.** Dallas has been able to pull together the right people to start the conversation - they've got an approach that we can discuss.
- **Discussion of Utilities Agreement.** There are a couple issues that are hanging - we'll discuss these.
- **Identification of Issues that remain to be Addressed.** There are likely some other things that need to be addressed. We'll make sure we know what they are.
- **Next Steps, including timeline for the process, and meeting on the NW Angle.** Let's agree on a timeline and process for the remainder of this process.

I will put together a formal agenda that will mirror this, and get it to you this afternoon.

*Finally, please forward this to others that may not be on my group e-mail list.*

cliff

12/14/2012

# **REDACTED-FOR PUBLIC INSPECTION**

## **Agenda**

### **Northwest Angle Working Group Meeting**

**11:00 a.m., Wednesday, February 15, 2012**

**Seven Clans Casino**

**11:00 a.m. 1) Welcome, Review of Agenda**

**11:10 2) Brief Review of Where we're at.** We'll remind each other of the progress we've made.

**11:20 3) Discussion of Law Enforcement Issue.** Dallas has been able to pull together the right people to start the conversation - they've got an approach that we can discuss.

**Noon Lunch**

**12:30 4) Discussion of Utilities Agreement.** There are a couple issues that are hanging - we'll discuss these.

**12:50 5) Identification of Issues that Remain to be Addressed.** There are likely some other things that need to be addressed. We'll make sure we know what they are.

**1:10 6) Next Steps, including timeline for the process, and meeting on the NW Angle.** Let's agree on a timeline and process for the remainder of this process.

**1:20 Adjourn**

Al Lundeen

**REDACTED-FOR PUBLIC INSPECTION**

**From:** Cliff Tweedale [ctweedale@hrdc.org]  
**Sent:** Thursday, March 01, 2012 11:17 AM  
**To:** Al Lundeen; Bill Brunelle; Cindy Buttleman (cindy.buttelman@state.mn.us); Craig.Collison@dot.state.mn.us; Dallas Block; Dean Branchaud; Don Brunelle; Donald J. "Dudie" May; Edward Arnesen (edarnesen@wiktel.com); Harlan Beaulieu (HBeaulieu@RedLakeNation.org); Jack Olson (jack.olson@state.mn.us); JoAnn Zutz; Les Peterson; Lori Dowling; Lu Tasa (Luane.Tasa@state.mn.us); Mike Adams; Mike Carroll (mike.carroll@dnr.state.mn.us); Pat Graves; Thomas J. Peckham; Tim Erickson; Todd Beckel (toddbeckel@mncable.net); Tracey Stoll; Tracey Stoll; Valerie Gravseth; Wally Sparby (wallysparby@mncable.net)

**Cc:** DBVick@wiktel.com

**Subject:** Meeting Time and Place

Hello NW Angle Working Group Members:

After hearing from a number of you, I've decided to hold our March 29<sup>th</sup> meeting at *the 7 Clans Casino at 10:30 a.m.* All of you were very good at being flexible, but the sticker was that the Courthouse meeting room was not available. I kicked around other ideas, but could not find any that I found acceptable.

Here is as close as I can get to a win/win: March meeting at the 7 Clans Casino, a commitment to hold the next meeting (April or May) in Baudette, and the early June Open House at the Angle.

I will get you an agenda by March 20<sup>th</sup>.

Cliff

12/14/2012

Al Lundeen

**REDACTED-FOR PUBLIC INSPECTION**

**From:** Cliff Tweedale [ctweedale@hrdc.org]  
**Sent:** Monday, March 26, 2012 10:11 AM  
**To:** Al Lundeen; Bill Brunelle; Cindy Buttleman (cindy.buttleman@state.mn.us); Craig.Collison@dot.state.mn.us; Dallas Block; Dean Branchaud; Don Brunelle; Donald J. "Dudie" May; Edward Arnesen (edarnesen@wiktel.com); Harlan Beaulieu (HBeaulieu@RedLakeNation.org); Jack Olson (jack.olson@state.mn.us); JoAnn Zutz; Les Peterson; Lori Dowling; Lu Tasa (Luane.Tasa@state.mn.us); Mike Adams; Mike Carroll (mike.carroll@dnr.state.mn.us); Pat Graves; Thomas J. Peckham; Tim Erickson; Todd Beckel (toddbeckel@mncable.net); Tracey Stoll; Tracey Stoll; Valerie Gravseth; Wally Sparby (wallysparby@mncable.net)

**Subject:** Meeting Reminder; Background Information

**Attachments:** 10 pages for 3 29 12 mtg.pdf

Hello Working Group Members:

This is your final reminder of our meeting at *10:30 a.m., Thursday at the 7 Clans Casino in Red Lake*. I have attached a PDF file of all pertinent info for this meeting, and have put it in the order that we will address it:

- Agenda
- Law Enforcement Issue Paper
- Land Access Work
- Conveyance Work
- Corridor Management Work.

Some of you also may want to update your constituencies – I thought this might help you do that, also.

The only thing not in the PDF is a draft of the Utility Agreement draft – it is 8 pages long, and I thought that it was not something we necessarily need to review if the Tribe and utilities are supportive. If you want a copy, I am more than happy to send it to you.

I look forward to seeing you on Thursday.

Cliff

12/14/2012

# REDACTED-FOR PUBLIC INSPECTION

Agenda  
Northwest Angle Working Group Meeting  
10:30 a.m., Wednesday, March 29, 2012  
Seven Clans Casino

- 10:30 a.m. 1) Welcome, Review of Agenda
- 10:40 2) Brief Review of Where we're at. We'll remind each other of the progress we've made.
- 10:50 3) Discussion of Law Enforcement Issue. We have a tentative framework for discussion that we'll review.
- Noon Lunch
- 11:30 4) Review of Previous Work. We have completed work in three areas:
- Land Access
  - Land Conveyance; and
  - Corridor Management
- We'll review the work in each area.
- 1:30 6) Next Steps, including meeting on the NW Angle. We'll decide on some of the details for this meeting.
- 1:45 Adjourn

## Issue Paper: Law Enforcement

Background. This short issue paper will address both criminal and civil matters, although most of the narrative will focus on criminal matters. (Note: Thanks to Tom Pedham for most of the information in this narrative. Of course, any misrepresentation is my (Cliff's) responsibility!)

Criminal Matters. The chart below characterizes the laws that apply, the courts that hear the case, and the applicable laws, based on the type of crime, and defendant and victim type (Indian/Non-Indian). Generally, the definition of what constitutes a crime is very consistent between Tribe, State, and Federal jurisdictions, likely with some small exceptions. These laws are a "given" for the purposes of our deliberations and already apply on the portions of the road on Tribal land and all other current Tribal lands.

Crime	Defendant	Victim	Court That Hears Case	Law Applied	Legal Authority
"Major" Crime (Murder, Rape, Manslaughter, Assault with intent to commit murder, Arson, Burglary, Larceny)	Indian	Indian or Non-Indian	Federal Court/ Tribal Court	Federal Law/ Tribal Law	18 U.S.C. § 1153/ Tribal Law
Non-"Major" Crime	Indian	Indian	Tribal Court	Tribal Law	Tribal Law
Non-"Major" Crime	Indian	Non-Indian	Federal Court/ Tribal Court	Federal Law/ Tribal Law	18 U.S.C. § 1152/ Tribal Law
Victimless Crime	Indian	N/A	Tribal Court	Tribal Law	Tribal Law
Any Crime	Non-Indian	Indian	Federal Court	State Law	18 U.S.C. §§ 1152 & 13
Any Crime	Non-Indian	Non-Indian	State Court	State Law	State Law
Victimless Crime	Non-Indian	N/A	State Court	State Law	State Law

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At the present time, enforcement is the responsibility of individual law enforcement agencies, depending on jurisdiction.

*Civil.* For the purposes of our discussion, the important point to be made is that, generally, Indian plaintiffs ("victims") currently have the ability to sue non-Indian defendants in Tribal Court when an incident occurs on Tribal Land.

**Possible Approach.** The focus of the Working Group's efforts in criminal matters is on enforcement, while the focus in civil matters is on continuing the existing rights of all entities.

## Criminal

- Law enforcement staff recommend cross-deputization of law enforcement officials.
- Discussion from the last meeting suggested that, off-corridor, that some sort of reasonable notification, and some determination of probable cause, be a part of the law enforcement process for incidents occurring on Tribal Lands.

## Civil

- Tribal Representatives desire to continue to allow Indian plaintiffs to have the ability to sue non-Indian defendants in Tribal Court when an incident occurs on Tribal Land.

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*Meeting Summary  
Northwest Angle Working Group Meeting  
10:00 a.m., Monday, May 9, 2011  
Seven Clans Casino*

Following is a brief summary of the consensus gained at the meeting on May 9<sup>th</sup>.

## Framing the Private/Public Land Access Issue.

The working group identified those issues/activities that need to be addressed within an agreement on access to private lands, and access to state lands that are proposed to be conveyed to the Tribe. Following are those specific activities, followed by a brief conversation that characterizes the issue/activity:

- **Snowmobile Trails.**
  - Potential Solution: The existing trails would need a permit from the Tribe. From the Tribe's perspective, the trail on the west edge of the Angle may be treated differently than the trails crisscrossing the Angle.
- **Access from Lake of the Woods for emergency landing, shore lunches, etc.**
  - Potential Solution: These could be used as allowed by the Tribe, with no permit necessary
- **Hunting/Trapping.**
  - Potential Solution: These uses would require a permit from the Tribe. There was some discussion of the need for a rethinking of permit structure, and also a need to think about managing levels of use. Two different ideas were discussed: a resident/non-resident structure, and a quota harvest system
- **Active Gravel Lease.**
  - Potential Solution: Usually, DNR makes an active lease part of the sale of state land, with options available for the new owner and the lessee to modify the terms of the lease.
- **Bedrock Lease.**
  - Potential Solution: In this type of lease, the mineral rights normally stay with the state. Cindy and Jack were unsure if this were a constitutional or state law issue. Cindy will check.
- **Continued Access to Private Land.**
  - Potential Solution: The Tribe would continue to grant access, but more conversation needs to be had regarding access improvements.

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- **Firewood Cutting.**
  - Potential Solution: The Tribe would require a permit.
- **Hilling/Berry Picking.**
  - Potential Solution: This could be a use allowed without a permit; there may be a desire to institute a notification system for safety purposes.
- **New Users (airport is one example).**
  - Potential Solution: It is impossible to predict what these new uses might be; the most reasonable solution would be to help clarify the decision process, and provide a clear statement of Tribal goals.

Two other activities mentioned – the easement for the county road, and a utility easement – will be addressed within the corridor management section of this process.

There was consensus that Angle residents would need both a process that will be followed to address each activity, and a clear statement of Tribal intent for each.

In addition, a key issue will be the relative ease by which a permit process could be completed for each activity. For example, traveling to Red Lake for a permit would likely not be met with favor by Angle residents.

**Next Meeting.** In addition to discussing the land conveyance process, participants agreed that the civic engagement plan should also be addressed.

5

**Meeting Summary**  
**Northwest Angle Working Group Meeting**  
**10:00 a.m., Monday, June 20, 2011**  
**Seven Clans Casino**

Following is a brief summary of the meeting on June 20<sup>th</sup>.

**Review of Conveyance Process.**  
Cindy Buttlemann, DNR, reviewed the conveyance process with the working group. Attached is her summary.

The keys themes are as follows;

- There are three different types of state land ownership on the Angle, each with a different process required for conveyance;
- What is proposed here is "Big and bold," in the sense that the magnitude of conveyance is large, and parts of the process needed are different than what is traditionally used;
- The process will take a reasonably long time, and will need the support of a broad range of stakeholders; and
- Funding will initially be needed to: compile a parcel list and maps, research parcels, conduct a natural resource review, complete title work and abstracts, and complete the appraisal,

**Next Steps.**

It was agreed that the next steps are:

- To immediately begin to seek funding for the work identified in the last bullet above;
- To make sure the request for funding is large enough to complete all necessary work;
- To focus that funding search on Federal sources.

Ed Arneson indicated he would talk to Rep. Peterson the upcoming weekend, and others would follow-up with Rep. Peterson's staff.

**Content of July 11 Meeting.**

- Review of Agenda
- Framing the process
- Review of progress to date
- Corridor Management
  - Frame what issues need to be addressed
  - Decide on working subgroups to deal with each

6

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- o Start to have the conversation about road and utility needs

## Homework:

- Ed A. will talk to the utility companies about sending a representative to the next meeting;
- Todd B. will talk to John Hoscheld about being a contact for Cliff in setting up an open house on the Angle in August;
- Todd and Ed will enlist the participation of the County Engineer at the next meeting;
- Dude M and Harlan B will enlist the participation of a Tribal Road official at the next meeting;
- Cliff will talk to Mn/DOT about sending a representative to the next meeting after talking to Tom P

7

*Meeting Summary  
Northwest Angle Road Operations Sub-Group Meeting  
10:00 a.m., Monday, September 26, 2011  
Red Lake Roads Dept.*

8

Following is a brief summary of the meeting on September 26<sup>th</sup>.

The meeting was spent going through the list of questions to be answered from the July 11<sup>th</sup> working group meeting.

Questions to be answered include:

- 1) How can you continue to have the road designated as a CSAH road, and avoid the competitive bid process when making improvements?

This topic was the biggest sticking point for the group. State Statutes require that the competitive bid process be followed when CSAH construction funds are used for a project. There were a few different ideas offered to potentially get past this obstacle, but it was noted that the group will need help from outside the current participants. This should be addressed at a future working group meeting. (1/11/12) The group as a whole decided to pursue special legislation to allow the County to award a project to the Tribe's construction company and bypass the competitive bid process.

- 2) What is the process that should be followed if a future improvement requires access to a larger corridor?

This would follow the notification process outlined in item 6.

- 3) The road corridor, owned by the tribe, will pass through lands under different jurisdiction – are there any issues with this that must be considered?

This seemed like more of an issue for one of the other groups.

- 4) Can the road be designated both an Indian Reservation Road and a CSAH road? Can funding be collected from both sources? How?

The road currently is designated as both IR & CSAH, and funds are collected from both sources.

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5) How do we go about identifying the geographic boundaries of the corridor?

This is likely a question for Tom Peckham. The group agrees that the corridor should be described so that any potential future work would be contained within the agreed-upon corridor. The construction plans from when the road was to be rebuilt in 1990 would probably be updated to current standards and then reused for any future work. This alignment would likely be used and then a specified offset on either side would set the corridor.  
(1/11/12) The group agreed that a certain setback from each side of the proposed centerline would be sufficient to define the corridor. The 1990 plans will have to be updated and there will be minor changes to that alignment.

6) What is the notification/permitting process look like for ongoing operations/maintenance/construction?

Similar to what has taken place in the past. Describe the work proposed, including as many details (aerial photos, plans, etc) as possible. Currently we've done this through email, but a physical form might work too.

7) What specific activities will be allowed within the corridor? Is recreation use of some type one of those activities?

This would be similar to the Mn/DOT memo that was handed out. Certain maintenance activities will be permitted without notification, while others will require notification to the Tribal Council through their secretary. Tim will draft a similar document and present this to the sub-group prior to the next meeting of the working group.

(11/14/11) A draft document has been passed out at the group meeting. It is strictly for road maintenance and does not describe recreational use in the corridor.

8) What are the specific CSAH designation requirements? Are any of these requirements going to be a problem for the Tribe?

The Tribe has adopted the majority of Mn/DOT's design standards, so this should not be an issue.

The group decided that a future meeting will not be necessary until the working group as a whole meets again in November.

### Northwest Angle Road Maintenance - Roads Adjacent to Red Lake Tribal Land -

When Tribal notification is required and it is not an emergency or safety situation, sufficient time will be allowed for both a Tribal response and any response to Tribal questions/concerns that may arise.

If an emergency/safety issue that would normally require prior Tribal notification occurs, the Tribe will be notified through their Tribal Council Secretary and the work will proceed. Once the work has been completed, the Tribe will again be notified. The Tribal Council Secretary can be reached by calling (218) 679-3341.

#### Banned Activity

- o Tribal Code strictly prohibits the use of chemical spraying for weed and brush control

#### Notify Tribal Officials

- o Any activity that would interrupt traffic (i.e. detour, non-temporary reduction to one lane)
- o Any intrusive activity (i.e. soil borings, culvert replacement, etc)
- o Any work performed outside the ditch area
- o Any work that is not being done by County staff (work performed by a consultant)

#### Notification Not Necessary

- o Routine highway maintenance (i.e. blading, mowing, graveling, etc)
- o Tree removal through clear zone
- o Any Snow and Ice operations
- o Inspection activities including bridges/culverts (unless that activity occurs outside the ditch area)
- o Sign repair/replacement

Please note that these are not exclusive lists of activities. Rather, they are to be used as guidelines for determining what types of activities would require Tribal notification and what types would not require prior notification.

Al Lundeen

**REDACTED-FOR PUBLIC INSPECTION**

**From:** Cliff Tweedale [ctweedale@hrdc.org]  
**Sent:** Wednesday, May 16, 2012 2:25 PM  
**To:** Al Lundeen; Bill Brunelle; Cindy Buttleman (cindy.buttlemann@state.mn.us);  
Craig.Collison@dot.state.mn.us; Dallas Block; Dean Branchaud; Don Brunelle; Donald J. "Dudie"  
May; Edward Arnesen (edarnesen@wiktel.com); Harlan Beaulieu  
(HBeaulieu@RedLakeNation.org); Jack Olson (jack.olson@state.mn.us); JoAnn Zutz; Les  
Peterson; Lori Dowling; Lu Tasa (Luane.Tasa@state.mn.us); Mike Adams; Mike Carroll  
(mike.carroll@dnr.state.mn.us); Pat Graves; Thomas J. Peckham; Tim Erickson; Todd Beckel  
(toddbeckel@mncable.net); Tracey Stoll; Tracey Stoll; Valerie Gravseth; Wally Sparby  
(wallysparby@mncable.net)  
**Subject:** Meeting Reminder  
**Attachments:** Agenda 5 21 12.doc; Summary Report.pdf  
Hi Working Group:

This is a final reminder of our meeting at *10:30 a.m., Monday at the LOW County Courthouse.*

I have attached an agenda and a very rough draft report that summarizes where we're at with each issue.

I look forward to seeing you Monday.

Cliff

12/14/2012

## **REDACTED-FOR PUBLIC INSPECTION**

### **Agenda**

#### **Northwest Angle Working Group Meeting**

**10:30 a.m., Monday, May 21, 2012**

**Lake of the Woods Courthouse, Baudette**

### ***Meeting #1***

**10:30 a.m. 1) Welcome, Review of Agenda**

**10:40 2) Discussion of Corridor Status.** At the last meeting we had a conversation about the road right of way (ROW). Who will own it, and if the Red Lake Nation owns it, how will access and use be obtained – permit, easement, or... ? We need to decide.

### ***Meeting #2***

**Noon Lunch**

**12:30 4) Review of Previous Work.** We have completed work in a number of areas. We'll review the work in each.

**2:15 6) Next Steps, including meeting on the NW Angle.** We'll decide on some of the details for this meeting.

**2:30 Adjourn**

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The Northwest Angle mainland consists of roughly 118 square miles of land. The Red Lake Band owns roughly 82 square miles of the mainland, or roughly 70 percent.

The road that forms a focus of this proposal has had dramatic effects on ownership and development. Most of the development, and most of the private land ownership, is on the northern shore of the Angle. North of the boundary between Township 167 and Township 168 (see map on next page), private landowners hold more than 70 percent of the land and the Band holds less than 50 percent.

South of that line, however, the ownership pattern is very different. Of the roughly 97 square miles in the southern part of the Angle, the Band and the federal government hold more than 80 percent, with the Band alone holding more than 73 percent. In contrast, private landowners hold less than 2.5 percent, and most of that is concentrated in the southern corner, close to the Canadian border.

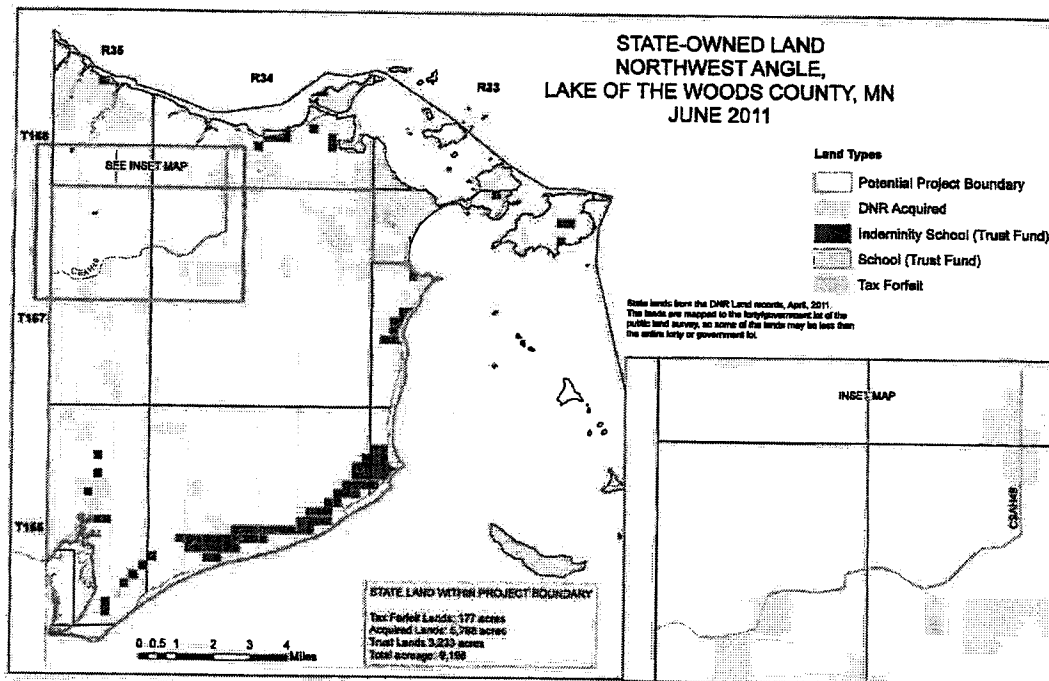
The map on the following page illustrates these figures, as well as the Band holding the vast majority of the interior of the Angle. The federal government holds most of the southern and eastern shoreline. The northern shoreline is predominantly private and federal ownership.

Since it was first used as a deer management area, with the federal government and the Band in trespass across lands owned by the Band and the federal government in trust for the United States. This is the only land access to the mainland, north of the shore of the Angle. Similarly, the utilities that follow the same corridor have been in place since the 1950s.

The current state of trespass needs to be rectified. It entails uncertainty for the landowners on the Angle. If the Band, it is not clear that the land is being used without its permission or compensation.

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The road system remains in place, but the Band because, not only is the road in trespass, but it also has not been used by the Band's lands throughout the Angle. This means additional burdens are placed on the Band with respect to resource management and patrol.



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Commission (Headwaters RDC) was asked to provide staff support, including facilitation of meetings.

Subsequently, other individuals were brought into the process to provide knowledge, technical support, and insight. A complete listing of individuals involved in this process can be found in Appendix A.

### *Framing the Issue.*

The solution to the trespass that has been framed includes:

- The conveyance of state and county lands south of the Township 167-168 line to the Tribe;
- The resolution of the trespass issue through a permit or easement for road and utility use;
- An agreement on the corridor management process, including construction, operation and maintenance;
- An agreement on continued access to both private and public lands under certain conditions; and
- An agreement on the provision of new emergency services.

The details for each of these pages of the agreement are described in the subsequent pages of this report.

### *Land Access.*

The conveyance of land to the Tribe has implications for existing users. Private landowners need assurance of continued access to those lands, and those that use state and county lands need clear expectations for future use of those lands under Tribal ownership.

The working group identified those issues/activities that need to be addressed regarding access. Following are those specific activities, followed by a brief conversation that characterizes the issue/activity, and the solution proposed.

#### *Agreement*

- **Snowmobile Trails.**
  - **Solution:** The existing trails need a permit from the Tribe. From the Tribe's perspective, the trail on the west edge of the Angle may be created differently than the trails crisscrossing the Angle.
- **Access from Lake of the Woods for emergency use, shore lunches, etc.**
  - **Solution:** These uses are allowed by the Tribe, with no permit necessary.
- **Hunting/Trapping.**
  - **Potential Solution:** These uses would require a permit from the Tribe. There was some discussion of the need for a residential permit structure, and also a need to think about managing levels of use. Two different ideas were discussed: a residential permit structure, and a quota harvest system.
- **Active Rental/Lease.**
  - **Potential Solution:** (Potential) This lease recently expired and was not renewed. The lease is located within the project area. In general, active contracts run with the land when the property is sold.
- **Continued Access to Private Land.**
  - **Potential Solution:** The Tribe would continue to grant access, but more conversation needs to be had regarding access improvements.
- **Firewood Cutting.**
  - **Potential Solution:** The Tribe would require a permit.
- **Hiking/Berry Picking.**
  - **Potential Solution:** This could be a use allowed without a permit; there may be a desire to institute a notification system for safety purposes.

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### • Process for New Uses (airport is one example).

- Solution: It is impossible to predict what these new uses might be; the most reasonable solution will include a written process to address potential new uses, along with a clear statement of intent for the Red Lake Nation.

Issue to be decided:

- Process to request a permit, including location

### Conveyance

As indicated earlier in this report, there are three types of state land within the area of interest that have been discussed for potential conveyance. These are: 1) DNR-administered acquired land; 2) DNR-administered School Trust land; and 3) County-administered Tax Forfeit land. The total combined acreage is approximately 9,200. Each land type has its own distinct procedures that must be followed for conveyance within existing laws and requirements. Throughout the discussion, the term conveyance has been used to mean land sale.

As noted, the potential buyer of the state land is the Red Lake Nation. If these lands are acquired from the State, Red Lake has expressed a preference that the lands be held in trust for the Band. The process for placing these lands in trust was not discussed by the Working Group. The federal government (i.e. Bureau of Indian Affairs) would likely have a significant but unknown role in the transaction.

The conveyance of 9,200 acres of state land by any agency would be a complex transaction. Adding to the complexity are the state land types involved and the remote location on the NW Angle. Some challenges discussed by the Working Group are briefly highlighted below.

- In general, state land is most often sold by public auction, whereas direct sale typically requires specific legislation. An exception is public land which can only be sold by public auction.
- With respect to the School Trust land, DNR has an overriding fiduciary responsibility to manage the lands in perpetuity on behalf of the state.
- Some of the state land is public land, most notably Lake of the Woods. As such, some of any riparian lands would require special legislation.
- Compensation for land value and ongoing support staff work to define, scope and execute the transaction would be needed.

All of these factors as well as others not yet identified, contribute to the complexity of the potential sale of 9,200 acres of state land and subsequent placement into trust for the Red Lake Band. The NW Angle Working Group has had significant discussions regarding conveyance. The overarching conclusion is:

### Agreement

- This conveyance of the state land by sale is an acceptable strategy if a mutual agreement that has a clear public benefit is reached between the Red Lake Nation, Lake of the Woods County, and the Utilities.



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In addition, the key conclusions include:

- What is proposed here is "big and bold," in the sense that the magnitude of conveyance is large, and parts of the process needed are different than what is traditionally used;
- The process will take a reasonably long time, and will need the support of a broad range of stakeholders; and
- Funding will initially be needed to develop a specific project proposal for conveying the state land and then placing it in trust. The elements of the project proposal are: define project partners, processes and timelines; compile a parcel list and maps; research parcels; conduct a natural resource review and NEPA review if needed; complete title work and abstracts, and complete appraisals. The project proposal will define the process and the costs for conveying the state land and placing it in trust. Funding for executing the project can then be pursued.

### Next Steps.

It was agreed that the next steps are:

- Seek funding for the work identified above;
- Make sure the request for funding is large enough to complete all necessary work;
- Focus that funding search on Federal sources.

### Corridor Management

Corridor management involves a number of issues, including corridor ownership, maintenance, operations, improvements, and uses. Deliberations over these issues considered the historical relationship between governments, the remoteness of the Angle, and the capacities of each government body to deliver services. Following are the decisions made for each.

#### Agreement

- **Ownership**
  - Possible Solution: Red Lake Nation would own the land, and grant use through a permit or lease process
- **Process for Improvements and Maintenance**
  - Solution: The process will be similar to what has taken place in the past. The work proposed will be described, including as many details (aerial photos, plans, etc.) as possible. Currently this is done through e-mail, but a paper form could work also.
- **Road Designation**
  - Solution: The road will be designated both as an ADA road and an IR road.
- **Competitive Bidding**
  - Solution: The Minnesota legislative process will be used to place the route from competitive bidding
- **Defining Geographic Boundaries of Corridor**
  - Solution: The line will be based on improvement plans that have previously agreed
- **Management and Operation Activities Allowed in Corridor**
  - Solution: The above agreement now in place (see Appendix)
- **Regulation Activities**
  - Solution: General allowance, with some conditions

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## Law Enforcement

Both criminal and civil matters are addressed here.

*Criminal Matters.* The chart below characterizes the laws that apply, the courts that hear the case, and the applicable laws, based on the type of crime, and defendant and victim type (Indian/Non-Indian). Generally, the definition of what constitutes a crime is very consistent between Tribe, State, and Federal jurisdictions, likely with some small exceptions. These laws are a "given" for the purposes of our deliberations and already apply on the portions of the road on Tribal land and all other current Tribal lands.

Crime	Defendant	Victim	Court that hears Case	Law Applied	Legal Authority
"Major" Crime (Murder, Rape, Manslaughter, Assault with intent to commit murder, Arson, Burglary, Larceny)	Indian	Indian or Non-Indian	Federal Court, Tribal Court	Federal Law, Tribal Law	18 U.S.C. § 1153/ Tribal Law
Non-"Major" Crime	Indian	Indian	Tribal Court	Tribal Law	Tribal Law
Non-"Major" Crime	Non-Indian	Non-Indian	Federal Court, Tribal Court	Federal Law/ Tribal Law	18 U.S.C. § 1152/ Tribal Law
Victimless Crime	Indian	N/A	Tribal Court	Tribal Law	Tribal Law
Any Crime	Non-Indian	Indian	Federal Court	State Law	18 U.S.C. §§ 1152 & 13
Any Crime	Non-Indian	Non-Indian	State Court	State Law	State Law
Victimless Crime	Non-Indian	N/A	State Court	State Law	State Law

At the present time, enforcement is the responsibility of individual law enforcement agencies, depending on jurisdiction.

*Civil.* For the purposes of our discussion, the important point to be made is that, generally, Indian plaintiffs ("victims") currently have the ability to sue non-Indian defendants in Tribal Court when an incident occurs on Tribal Land.

## Agreement

- Enforcement of Criminal Matters in the Corridor
  - Solution: Cross-deputization of law enforcement officials
- Enforcement of Criminal Matters outside the Corridor
  - Solution: Cross-deputization of law enforcement officials and language that requires reasonable notification of some determination of probable cause
- Right to sue for Indian plaintiffs
  - Solution: Continue to allow Indian plaintiffs to have the ability to sue non-Indian defendants in Tribal Court when an incident occurs on Tribal Land.

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UNITIES

Both the power company and telephone company have an existing temporary permit with the Red Lake Nation. This temporary permit forms the basis of an agreement for a permanent permit.

### Agreement

- A draft of the utility easement can be found in the Appendix.

DRAFT

Al Lundeen

**REDACTED-FOR PUBLIC INSPECTION**

**From:** Thomas J. Peckham [TPeckham@NordhausLaw.com]  
**Sent:** Tuesday, February 14, 2012 4:06 PM  
**To:** Al Lundeen; dbrunell@roseauelectric.com  
**Cc:** dsogard@minnkota.com  
**Subject:** RE: 2012-01-10 draft long-term utility license nw angle clean.doc  
**Attachments:** 2012-02-14 draft long-term utility license nw angle clean.doc

Gentlemen:

The attached contains several of the revisions suggested by Al, and a couple of my own. The only one of significance is a notice requirement for work done on lands possessed by individuals, which I think is unlikely to happen. But we had some problems on the main Reservation recently, and it is wise to include language saying you would try to contact individuals in advance.

Talk to you tomorrow.

By the way, I think we can keep revising, but I don't think we want to get too refined until we have a draft road agreement and then can talk to the BIA about both agreements. I don't want to waste too much time on form until we know whether we're going to have to get BIA approval.

Al, do you have a copy of the 1993 resolution you reference below? I don't think I've seen it.

Thanks.

Tom

Thomas J. Peckham  
Attorney at Law

Nordhaus Law Firm, LLP  
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Albuquerque, NM 87102  
Tel. (505) 243-4275  
Fax. (505) 243-4464  
[TPeckham@NordhausLaw.com](mailto:TPeckham@NordhausLaw.com)  
[www.NordhausLaw.com](http://www.NordhausLaw.com)

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**From:** Al Lundeen [mailto:[alundeen@wiktel.com](mailto:alundeen@wiktel.com)]  
**Sent:** Wednesday, January 11, 2012 3:34 PM  
**To:** dbrunell@roseauelectric.com

12/14/2012

**REDACTED FOR PUBLIC INSPECTION**  
**Cc:** dsogard@minnkota.com, Thomas J. Peckham  
**Subject:** FW: 2012-01-10 draft long-term utility license nw angle clean.doc

Don, Dave,  
See attached draft from Tom.

Tom,  
Thanks for the work. I have a couple comments as I made today.

Recitals C: We may want to include in Exhibit A the existing tribal resolution lands that were granted in the east-west corridor in 1993 and reference those in D. It is understood that the road corridor may not be the same as the Utility corridor if the road centerline is re-aligned and curves may change. This may necessitate that we get access across a piece of tribal land between the 2 corridors for maintenance and repair.

Agreement para 1. Grant of License. I think that it has CSAH 49 today.

Agreement para 2. For non-electric utility, change to type of utility, same in 16, and we may want to remove geographic service restriction if wireless service is served also.

Agreement para 14 c. We may want to increase that area to allow pole or transformer change out, perhaps to 200-400 sq ft if we have to dig back cables.

para 14 e. Perhaps we can describe imminent harm to include power outage, and a failed cable that prevents calling 911 to allow repair or replacement of a failed facility. I don't have any issue with the 10 day notice for planned repairs in 14 d.

Thanks  
Al

---

**From:** Thomas J. Peckham [mailto:TPeckham@NordhausLaw.com]  
**Sent:** Tuesday, January 10, 2012 6:06 PM  
**To:** Al Lundeen  
**Cc:** Don May (dmay1256@gmail.com)  
**Subject:** 2012-01-10 draft long-term utility license nw angle clean.doc

Al:

This is still rough, but I think it is a good starting point for further discussion. If you have a chance to look at it tonight and have initial comments, please provide them. Otherwise, we can discuss tomorrow.

Thanks.

Tom

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12/14/2012

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12/14/2012

# REDACTED-FOR PUBLIC INSPECTION

## NORTHWEST ANGLE UTILITY LICENSE

THIS UTILITY LICENSE ("License"), is hereby granted by the Red Lake Band of Chippewa Indians (the "Band") to \_\_\_\_\_ ("Licensee") on the terms and conditions stated.

Corridor may shift.

### RECITALS

- A. The Red Lake Band of Chippewa Indians, a federally recognized Indian tribe, has been located in northern Minnesota and the surrounding area for hundreds of years. The Band is the beneficial owner of more than 50,000 acres on the Northwest Angle, with legal title held by the United States in trust for the Band.
- B. Licensee is a {{Describe Licensee's Business, e.g. "rural electric power cooperative providing electricity to customers in northern Minnesota"}}. {{Describe existing infrastructure, e.g. "In 1980, Licensee built an underground power distribution line and metering station ("Electric Facilities") across a portion of the Northwest Angle along the corridor of a Tribal road which had been unilaterally listed by Lake of the Woods County with the Minnesota Department of Transportation as County-State Aid Highway 49 and converted to a public highway. The County has used public Federal Highway and State Aid funds to convert the road to an all-season highway with a 150 foot ditched and clear-cut sight corridor."}}
- C. Licensee's "Existing Facilities" are in a "Corridor" which starts at the border with Manitoba and runs up to Angle Inlet near the northern shore of the Northwest Angle. It enters the Angle in T. 167 R. 35 S.15, and runs through sections 14, 11, and 12 of that township. It passes into T. 167 R. 34 in section 7 then runs through section 8 before turning north between sections 8 and 9 and sections 4 and 5. It continues north into T. 168 R. 34 between sections 32 and 33. At the junction with sections 28 and 29, the Corridor intersects so-called County Road 33. Approximately 5.5 miles of the 7.5 mile arterial section of the Corridor are exclusively on lands held in trust for the Band by the United States. Other portions of the east-west collector section of the Corridor also are exclusively, or are partially, on lands of the Band, as are certain other parcels across which {{distribution lines}} of the Licensee traverse. The Corridor, the main portion of the Licensed Premises, is described in detail in the Plan and Profile prepared by Licensee and is attached hereto as Exhibit A.
- D. ~~Wikstrom Does Have. Licensee's Existing Facilities currently are not present on the Band's land under any written authorization from the Band or the United States. {{Reflect prior agreements as appropriate.}}~~

### AGREEMENT

## REDACTED-FOR PUBLIC INSPECTION

1. Grant of License. Subject to the terms and conditions of this License, and pursuant to, and consistent with, Tribal Council Resolution {{\_\_\_\_-\_\_\_\_}}, attached hereto as Exhibit B, the Band hereby grants to Licensee a license to use as provided in Section 2 the County-State Aid Highway 549 Corridor described in Exhibit A, along with any existing uses of Band lands outside of the Corridor ("Licensed Premises"), for the Term stated in Section 5. By written agreement of Licensee and the Band, by its Chairman, the Licensed Premises may be expanded, contracted, or otherwise changed to reflect changing needs or technologies.
2. Use of Licensed Premises. Licensee shall have the right to use the Licensed Premises to provide {{electric/telecommunications/etc.}} service on the Northwest Angle. Currently, that service is provided through ~~with~~ {{transmission/telephone}} lines running through the Licensed Premises. Licensee may construct or effect improvements on the Licensed Premises with prior written approval from the Band as provided in Section 14.
3. Revocability. Except as provided in Sections 19 and 25, this License shall be deemed to be irrevocable for the Term as defined in Section 5.
4. No Assignment of License; Limited Exceptions. This License shall not be assigned, disposed of, or otherwise made available to any other party by Licensee without the prior written consent of the Band, which will not be unreasonably withheld; provided, however, that notwithstanding the prior sentence, Licensee may without prior written consent: (i) grant a collateral assignment of an interest in the License to one or more of its lenders as security for Licensee's performance under one or more lending instruments pursuant to which Licensee is the borrower. {{The parties also acknowledge that Licensee may desire to assign this License to Minnkota Power Cooperative, Inc., Licensee's long-term wholesale power supplier, for purposes of adjusting the delivery point of electricity to Licensee. The Band will give full consideration to a proposal for such an assignment by TL.}} Unless otherwise agreed by the Band in writing, any assignment under any such lending instrument(s) to any other party shall not be deemed to convey or perfect any right, interest, or obligation greater than that held by Licensee, or to abrogate or otherwise depreciate any right, interest, or obligation of the Band.
5. Term. Unless earlier terminated as provided in Section 19 or 25, this License will commence on {{DATE}} ("Effective Date") and will continue through {{25 Years from Effective Date}} ("Initial Term"). The License may be renewed for an additional 25 years with the written consent of both parties ("Option Term"). {{We will need to address the interim period while the land transfer effort is completed before the Band will be willing to grant a long-term license. The Band has stated its intent not to grant permanent or long-term licenses or other instruments to Licensee or the others in trespass until the Band can regain ownership of the some 9,500 acres in the southern Angle held by the State. That restoration of the "Unrestored Angle Land" would insure that the Band has the ability to regulate effectively these types of uncontrolled development and related trespass in the largely pristine area south of the Township 167-168 line (excluding T.167 R.33. S.5 – S.8), and would restore lands to the Band of historical and cultural significance that the Band asserts ended up in State and County ownership contrary to the letter and spirit of the Act of January 14, 1889, 25 Stat. 642 (sometimes called the "Nelson Act" or "1889 Act").}}



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6. No Interest in Land. Licensee acknowledges that this License does not convey to Licensee any interest in the Band's land or waters, including the mineral estate, and constitutes only a license and privilege to use the Licensed Premises for the purposes specified in this License.
7. DISCLAIMER OF WARRANTY. THE BAND GRANTS THIS LICENSE TO LICENSEE WITHOUT ANY EXPRESS, STATUTORY OR IMPLIED WARRANTY OR REPRESENTATION OF ANY KIND, INCLUDING WARRANTIES RELATING TO (i) THE CONDITION OR MERCHANTABILITY OF THE PROPERTY, OR (ii) THE FITNESS OF THE PROPERTY FOR A PARTICULAR PURPOSE. LICENSEE HAS INSPECTED THE LICENSED PREMISES AND IS SATISFIED AS TO THE PHYSICAL, OPERATING, REGULATORY COMPLIANCE, SAFETY, AND ENVIRONMENTAL CONDITION (BOTH SURFACE AND SUBSURFACE) OF THE LICENSED PREMISES AND ACCEPTS THEM "AS IS," "WHERE IS," AND "WITH ALL FAULTS" AND IN THEIR PRESENT CONDITION AND STATE OF REPAIR.
8. Compliance with Applicable Laws. Licensee shall comply with, and shall require all others engaged by it to comply with, applicable tribal, federal, and other laws, rules, and regulations, including non-discriminatory tribal tax laws. Including but not limited to the requirements of Section 9, Licensee shall indemnify the Band and be liable for payment of costs, claims, fines, penalties, charges, damages, or any other liability, including attorney's fees and costs, incurred by the Band for violation by Licensee or those engaged by Licensee of any applicable law, rule, or regulation.
9. Indemnification.
  - a. *Generally.* Licensee shall indemnify and hold harmless the Band, its officers, employees, agents, and successors against any and all costs, claims, damages, liabilities, fines, penalties, charges, and losses, including without limitation administrative, consulting, engineering, professional, settlement, and litigation costs and expenses, including attorney fees, for any claim against the Band arising out of, concerning, or relating to the Licensee and:
    - i. Any air emission, water discharge, or other generation of any nature in violation of any applicable federal, tribal, state, municipal, or other environmental law, regulation, or requirement and existing, occurring, or generated on the Licensed Premises at any time before or after the effective date of this License, even if not discovered until after the effective date; or
    - ii. Any treatment, storage, or disposal of any solid waste, hazardous substance, or hazardous waste as defined under applicable federal, tribal, state, municipal, or other environmental laws and existing, occurring, or generated on the Licensed Premises at any time before or after the effective date of this License, even if not discovered until after the effective date; or

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- iii. Any other violation of or noncompliance with any applicable federal, tribal, state, municipal, or other environmental, health, or safety law, regulation, or requirement and existing or occurring on the Licensed Premises at any time before or after the effective date of this License, even if not discovered until after the effective date; or
  - iv. Any remediation, treatment, storage, or disposal required under applicable federal, tribal, state, municipal, or other environmental laws for lead or lead-containing soil on the Licensed Premises at any time before or after the effective date of this License, even if not discovered until after the effective date.
- b. *Enforcement.*
- i. The Band shall promptly notify the Licensee of any claim, demand, or other matters to which Licensee's indemnification obligations may apply and shall give Licensee a reasonable opportunity to address or defend the same at the Licensee's own expense and with counsel of the Licensee's own selection, provided that the Band may participate in such matters at its own expense.
  - ii. The Band may enforce the terms of this Agreement against the Licensee in any court of competent jurisdiction, including the Band's Tribal Court or any United States District Court where venue is proper.
10. Liens. Licensee shall make payments timely to all workmen, material men, suppliers and subcontractors and take such further action as may be necessary to keep the Band's lands free of any and all liens. Licensee agrees to indemnify and hold the Band harmless from and against all liens and other encumbrances against the Band's lands.
11. Governing Law. This License is governed by and shall be construed in accordance with the laws of the Red Lake Band of Chippewa Indians, excluding any conflict-of-laws rule or principle that might refer the governance or the construction of this License to the law of another jurisdiction.
12. No Third Party Benefit. The provisions hereof are solely for the benefit of the parties hereto and are not intended to, and shall not be construed to, confer a right or benefit on any other party.
13. License Fee; Appraisal.
- a. Initial Term: During the Initial Term, the annual fee will be {{}}.
  - b. Option Term: If the parties agree to extend this License through the Option Term, Licensee agrees to pay the Band a semi-annual License Fee to be based on the fair market value of Licensee's interest in the Licensed Premises. Such appraisal shall be performed by the Band or its designee and shall be based on a valuation of the Corridor and other Licensed Premises at their highest and best use, which shall expressly consider (1) corridor valuation methods in determining the highest and best use of the Corridor, and (2) other uses of the Corridor.

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- c. Subsequent License Fees shall be based on any appraisal performed by the Band or its designee according to the terms set forth in the first paragraph of this Section, or on subsection a of this Section if the Band has not timely informed Licensee of the amount due pursuant to such an appraisal. Subsequent fee payments shall be due on January 1, 2008 and on July 1, 2008; and if this License is extended pursuant to Section 5, on January 1, 2009; July 1, 2009; and January 1, 2010. If any fees paid under subsection a are less than those that would have been due under subsection b, Licensee shall pay the difference to the Band for all semiannual periods under which payments were made using the calculation in subsection a.
- 14. Improvements and Maintenance.
  - a. *Currently planned expansion of Existing Facilities.* {{If any: Licensee currently plans to... The plan for that expansion is set forth in the attached Plan and Profile, which is deemed approved by the Band, with the exception of written clearance regarding any environmental issues, and anthropological and archaeological sites that may be affected.}}  
Notwithstanding Section 17, (1) Licensee agrees to contract with a member of the Band or a Band-owned entity to do any and all clearing and grubbing, and (2) Licensee need not solicit bids from Band members or Band-owned entities on the installation of the high-voltage power lines and poles but is responsible for any applicable TERO requirements. Licensee shall present any proposed change to the Plan and Profile to the Band for approval.
  - b. *Future improvements.* Licensee will seek Band approval for any future improvements during the term of this License, including any distribution lines running across Band lands. Band approval shall not be unreasonably denied. Any additional license fees for such improvements shall be added on a prorated basis to the fees assessed under Section 13.
  - c. *Minor maintenance and repairs.* Licensee may conduct minor maintenance on existing facilities without notice to the Band. As a guideline, maintenance is "minor" if it involves disruption of 2100 square feet or less of soil around existing facilities (e.g., a pole) and poses no material risk to public health or the environment.
  - d. *More significant maintenance, repairs, and replacement:* For maintenance or repairs that do not qualify as "minor", or for replacement of existing facilities that will not change materially the existing footprint of the facilities, Licensee with give ten-day written notice to the Band explaining the proposed work. Within the ten-day period, the Band may indicate in writing that the work is significant enough to warrant treatment as an improvement or state any other requirements, in which case subsection (b) above shall apply.
  - d.e. *Notice to Individuals.* While it is not anticipated that the Licensed Premises will include lands in the possession of any individual, the long-term nature of this agreement does permit the possibility, e.g., that a future tower or pole may be on land occupied by a Band member through an assignment. With respect to any such individuals

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in possession of a portion of the Licensed Premises, Licensee shall use its best efforts to give at least a 24-hour notice of planned work and shall attempt to keep disruption to the individual to a minimum.

e.f. *Emergencies.* If repairs necessary to prevent imminent harm to the public or the environment would otherwise require notice to the Band, Licensee may conduct those repairs without first providing notice but shall contact the Band's Public Safety Department as soon as practicable by telephone and shall provide written notice to the Band of the repairs performed as soon as reasonably convenient practicable.

15. No Liability for Trespass During the License Term. The Band hereby agrees that for the term of this License, Licensee shall have no liability to the Band for any penalty, fine, tax, or other remedy arising solely out of any violation during the term of this License of any provision of the ordinances or regulations of the Band pertaining to operating on Band lands without proper permits or rights-of-way, and the Band specifically waives any rights to collect any penalty, fine or other remedy, or pursue enforcement against Licensee under such ordinances only for the term of this License is effective. Liability for such violations prior to or after the term of this License is addressed in Sections 20 and 21.
16. Geographical Limitation on Service. Licensee agrees that it will not provide {{electric/telephone/etc.}} service to any location on the mainland of the Northwest Angle south of the line between Townships 167 and 168, excluding T.167 R.33. S.5 – S.8, pursuant to this License without the express written permission of the Band. {{Address wireless.}}
17. Contracts; Hiring. For any future improvements or other projects contracted by Licensee on the Licensed Premises under this License, Licensee shall comply with the Band's TERO requirements and any other applicable tribal preference contracting provisions.
18. Stumpage and Other Resource Revenues. Stumpage payments for any timber cleared from the Licensed Premises shall be paid to the Band at rates set by the Red Lake Band's Department of Natural Resources as provided in advance to Licensee. Licensee shall obtain the approval of that Department prior to commencing any lumbering or clearing operation.
19. Expiration Upon Event of Denial of Tribal Jurisdiction. This License shall expire of its own terms, without further action by either party, ~~three-two years~~ ~~months~~ after the date of any final non-appealable judgment in any action seeking damages or injunctive relief and brought by or against the Band or a member of the Band in any court or administrative tribunal holding, or having the effect, that the Red Lake Band of Chippewa Indians does not have legislative, civil regulatory, or civil adjudicatory jurisdiction over the Licensed Premises. The Band in its sole discretion may opt to extend the period of this License beyond the two-year~~three-month~~ period. That ~~three-month~~ period is intended to allow the Band and Licensee the opportunity to negotiate a new License or other instrument accomplishing the purpose of this License while preserving the Band's sovereign governmental interest in

## REDACTED-FOR PUBLIC INSPECTION

maintaining jurisdiction over its lands; however, the Band is under no obligation to conclude such an agreement.

20. No Waiver of Claims. By granting this License, the Band does not waive, release, or otherwise relinquish any right it may have under law, ordinance, contract, or regulation, including specifically including any claim, defense, or other legal right in law or equity relating to Licensee's trespass on or use of the Licensed Premises prior to the granting of this License, nor any such claim, defense, or other legal right which might arise after the termination or expiration of this License.
21. Historical Use; Trespass. Based upon the restoration of land to the Band accomplished as a condition precedent to the granting of this License, the Band waives and releases any and all claims of trespass against Licensee arising prior to the issuance of this License. This waiver does not encompass claims other than trespass, for example, environmental or other damages that may have been caused by Licensee, whenever known.
22. Approval by the Bureau of Indian Affairs. The Band asserts that this License does not require the approval of the Bureau of Indian Affairs because, among other reasons, it does not convey an interest in land. However, should Bureau approval be required, the parties agree to negotiate any revisions in good faith should they be necessary to secure such approval.
23. Surface Estate. The Band reserves the right to conduct any and all activities within the Licensed Premises that do not disturb or harm the Licensee's facilities.
24. Survival of Provisions. Sections 4, 6-13, 15-16, 18, 20-21, 24, and 26 shall survive termination or expiration of this License.
25. Amendment. This License may only be amended by a writing duly executed by the Band and Licensee.
26. Termination. This License may not be terminated during its initial 18-month term, nor during the 18-month renewal if granted, except if Licensee fails to make a payment under Section 13 within 60 days of the date it becomes due, or unless there is an immediate and non-remediable endangerment of public safety or land caused by Licensee.
27. Notice. Notice required herein shall be sent to the following, as required by a specific provision. Any change in a party to be noticed shall be transmitted to the other in writing.

**Licensee**

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**Red Lake Band of Chippewa Indians**

Honorable Floyd Jourdain, Jr.

Chairman

Red Lake Tribal Council - Red Lake Nation

P.O. Box 550

Red Lake, MN 56671

## **REDACTED-FOR PUBLIC INSPECTION**

Honorable Donald May  
Red Lake Tribal Council - Red Lake Nation  
P.O. Box 550  
Red Lake, MN 56671

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### **RED LAKE BAND OF CHIPPEWA INDIANS**

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Authorized by Tribal Council Resolution No. 20{ }-R-\_\_\_\_-\_\_\_\_

### **ALL TERMS AND CONDITIONS ACCEPTED BY LICENSEE:**

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BY: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State: MN

**REDACTED-FOR PUBLIC INSPECTION**

Wikstrom Tel Co, Inc

Form 481 Line No. 1210 Lifeline Plans Terms and Conditions

Wikstrom Tel Co, Inc does adhere to all Federal Lifeline eligibility rules and regulations as well as Minnesota Administrative Rule "7817.0400 - Eligibility for Telephone Assistance Credits" which states:

**Minnesota Administrative Rule 237 Chapter 7817.0400**

**Subpart 1. Information provided.** Each local service provider shall annually mail a notice of the availability of the telephone assistance plan to each residential subscriber in a regular billing. If a subscriber has chosen to receive the regular billing other than through U.S. mail, the local service provider shall send the notice in a regular billing using the delivery method chosen by the subscriber for delivery of the regular billing. The notice must state the following: YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE PROGRAMS OR MEET CERTAIN INCOME LIMITS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE CONTACT

(local service provider). On request, the local service provider shall mail to a person an application form developed by the commission and the Department of Commerce, and a brochure that describes the telephone assistance plan's eligibility requirements and application process.

**Subpart 2. Application process.** On completing and signing the application certifying under penalty of perjury that the information provided by the applicant is true and that the statutory criteria for eligibility are satisfied, the applicant must return it to the local service provider for enrollment in the telephone assistance plan. An application may be made by the subscriber, the subscriber's spouse, or a person authorized by the subscriber to act on the subscriber's behalf.

**Subpart 4. Eligibility criteria.** To be eligible for a telephone assistance credit the applicant must:

- A. be a subscriber who resides in Minnesota or has moved to Minnesota and intends to remain; and
- B. be eligible for the federal Lifeline telephone service discount.

**Subpart 7. Applicant and recipient responsibilities.** Each applicant and each recipient shall provide current information to the local service provider about permanent changes that affect the applicant's or recipient's eligibility.

**Subpart 8. Local service provider responsibilities.**

- A. A local service provider shall begin providing telephone assistance credits to an applicant in the earliest possible billing cycle but not later than the second billing cycle following submission of a completed application demonstrating eligibility. If certified, the local service provider shall notify the applicant by, for example, placing telephone assistance credits on the bill.
- B. If an applicant is denied eligibility, the local service provider shall notify the applicant in writing of the reasons for the denial, of the right to appeal, and of the right to reapply.

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Wikstrom Tel Co, Inc

Form 481 Line No. 1210 Lifeline Plans Terms and Conditions

**REDACTED-FOR PUBLIC INSPECTION**Rates

Wikstrom Tel Co, Inc's Local service rates that serve as its Lifeline Plans are filed in Compliance with the regulatory requirements of Minn. Rules Ch. 7810 and Minn. Rules pt. 7812.0600 as follows:

- A. The tariffs or price lists of local exchange carriers must offer the following services to all customers pursuant to Minn. Rules pt. 7812.0600 (basic service requirements):
- ☐ single party voice-grade service and touch-tone capability;
  - ☐ 911 or enhanced 911 access;
  - ☐ 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;
  - ☐ access to directory assistance, directory listings, and operator services;
  - ☐ toll and information service-blocking capability without recurring monthly charges
  - ☐ one white pages directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer;
  - ☐ a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;
  - ☐ call-tracing capability according to chapter 7813;
  - ☐ (i) call Trace provisions in tariff mirror Commission's tariff templates.
  - ☐ blocking capability according to the Commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P999/CI-92-992 (December 3, 1993).
  - ☐ telecommunications relay service capability or access necessary to comply with state and federal regulations.
- B. A Separate flat rate service offering is required pursuant to Minn. Rules pt. 7812.0600, subpt. 2. At a minimum, each local service provider (LSP) shall offer the services identified in Minn. Rules pt. 7812.0600, subpt. 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and commission orders.



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Wikstrom Tel Co, Inc

Form 481 Line No. 1210 Lifeline Plans Terms and Conditions

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C. Service area obligations under Minn. Rules pt. 7812.0600, subpt. 3: An LSP shall provide its local services on a nondiscriminatory basis, consistent with its certificate under part 7812.0300 or 7812.0350, to all customers who request service and whose premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall within the operational areas of the local service provider's service area under part 7812.0300, subpart 4, or 7812.0350, subpart 4. The obligation to provide resale services does not extend beyond the facilities-based services does not require an LSP that is not an eligible telecommunications carrier (ETC) to build out its facilities to customers not abutting its facilities or to serve a customer if the local service provider cannot reasonably obtain access to the point of demarcation on the customer's premises. service capability of the underlying carrier whose service is being resold. The obligation to provide

The flat rate services, offered pursuant to Minn. Rules pt. 7812.0600, subpt. 2., include unlimited local service minutes of use. The local services offerings do not include any toll minutes of use. The rates for any toll usage are determined by the rate plans of the Toll Provider(s) that are selected by lifeline end users.

The specific Company terms and conditions for the Companies Lifeline Plans are set forth in the tariff pages included in Exhibit 1, attached.

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Wikstrom Tel Co, Inc

Form 481 Line No. 1210 Lifeline Plans Terms and Conditions

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Exhibit 1

**REDACTED-FOR PUBLIC INSPECTION**

SCHEDULE OF MONTHLY RATES

<u>Class of Service</u>	<u>Monthly Charges</u>		
	<u>Access Line Charge</u>	<u>EAS Additive</u>	<u>Total</u>
Badger Exchange			
Business:			
One-Party Access Line	\$ 25.50		\$ 25.50
Residence:			
One-Party Access Line	\$ 17.45		\$ 17.45
Donaldson Exchange			
Business:			
One-Party Access Line	\$ 24.10		\$ 24.10
Residence:			
One-Party Access Line	\$ 16.10		\$ 16.10
Greenbush Exchange			
Business:			
One-Party Access Line	\$ 25.05	\$ 3.88	\$ 28.93
Residence:			
One-Party Access Line	\$ 16.95	\$ 2.62	\$ 19.57
Halma Exchange			
Business:			
One-Party Access Line	\$ 24.60		\$ 24.60
Residence:			
One-Party Access Line	\$ 16.45		\$ 16.45
Holt Exchange			
Business:			
One-Party Access Line	\$ 26.45		\$ 26.45
Residence:			
One-Party Access Line	\$ 18.30		\$ 18.30
<u>EAS Additive:</u>		<u>Business</u>	<u>Residential</u>
Facility Cost		\$ 0.35	\$ 0.23
Lost Access Revenue		3.53	2.39
Total		<u>\$ 3.88</u>	<u>\$ 2.62</u>

SCHEDULE OF MONTHLY RATES

<u>Class of Service</u>	<u>Monthly Charges</u>		
	<u>Access Line Charge</u>	<u>EAS Additive</u>	<u>Total</u>
Karlstad Exchange			
Business:			
One-Party Access Line	\$ 24.60		\$ 24.60
Residence:			
One-Party Access Line	\$ 16.45		\$ 16.45
Lake Bronson Exchange			
Business:			
One-Party Access Line	\$ 25.05		\$ 25.05
Residence:			
One-Party Access Line	\$ 16.95		\$ 16.95
Lancaster Exchange			
Business:			
One-Party Access Line	\$ 24.60		\$ 24.60
Residence:			
One-Party Access Line	\$ 16.45		\$ 16.45
Malung Exchange			
Business:			
One-Party Access Line	\$ 25.05		\$ 25.05
Residence:			
One-Party Access Line	\$ 16.95		\$ 16.95
Middle River Exchange			
Business:			
One-Party Access Line	\$ 26.45	\$ 3.88	\$ 30.33
Residence:			
One-Party Access Line	\$ 18.30	\$ 2.62	\$ 20.92

SCHEDULE OF MONTHLY RATES

<u>Class of Service</u>	<u>Monthly Charges</u>		
	<u>Access Line Charge</u>	<u>EAS Additive</u>	<u>Total</u>
Newfolden Exchange			
Business:			
One-Party Access Line	\$ 26.45		\$ 26.45
Residence:			
One-Party Access Line	\$ 18.30		\$ 18.30
Northwest Angle Exchange			
Business:			
One-Party Access Line	\$ 30.00		\$ 30.00
Residence:			
One-Party Access Line	\$ 18.50		\$ 18.50
Roosevelt Exchange			
Business:			
One-Party Access Line	\$ 25.05		\$ 25.05
Residence:			
One-Party Access Line	\$ 16.95		\$ 16.95
Shandquist Exchange			
Business:			
One-Party Access Line	\$ 24.60		\$ 24.60
Residence:			
One-Party Access Line	\$ 16.45		\$ 16.45
Strathcona Exchange			
Business:			
One-Party Access Line	\$ 25.05	\$ 3.88	\$ 28.93
Residence:			
One-Party Access Line	\$ 16.95	\$ 2.62	\$ 19.57

SCHEDULE OF MONTHLY RATES

<u>Class of Service</u>	<u>Monthly Charges</u>		
	<u>Access Line Charge</u>	<u>EAS Additive</u>	<u>Total</u>
Viking Exchange			
Business:			
One-Party Access Line	\$ 26.45		\$ 26.45
Residence:			
One-Party Access Line	\$ 18.30		\$ 18.30
Wannaska Exchange			
Business:			
One-Party Access Line	\$ 25.05		\$ 25.05
Residence:			
One-Party Access Line	\$ 16.95		\$ 16.95
Williams Exchange			
Business:			
One-Party Access Line	\$ 25.05		\$ 25.05
Residence:			
One-Party Access Line	\$ 16.95		\$ 16.95

SAC: 361505

State: MN

Wikstrom Tel Co, Inc

Form 481 Line No. 3017 RUS Annual Report

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**ATTACHMENT REDACTED IN ENTIRETY**